

EXHIBIT ZI

MRS ASSOCIATES WASHINGTON MUTUAL CALL LOGS



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COPY

1	I N D E X		
2			PAGE
3	1. 08-29-08 - 2:49 p.m.		3
4	2. 09-05-08 - 8:59 a.m.		3
5	3. 09-07-08 - 6:10 p.m.		6
6	4. 09-08-08 - 12:32 p.m.		13
7	5. 09-09-08 - 11:16 a.m.		17
8	6. 09-18-08 - 8:56 a.m.		23
9	7. 09-19-08 - 11:16 a.m.		29
10	8. 09-21-08 - 5:24 p.m.		35
11	9. 09-22-08 - 12:52 p.m.		36
12	10. 09-23-08 - 11:35 a.m.		45
13	11. 09-26-08 - 12:54 p.m.		50
14	12. 09-27-08 - 8:44 a.m.		57
15	13. 09-30-08 - 10:21 a.m.		68
16	14. 10-06-08 - 8:56 a.m.		74
17	15. 10-07-08 - 9:06 a.m.		75
18	16. 10-12-08 - 6:32 p.m.		82
19	17. 10-13-08 - 12:57 p.m.		90
20	18. 10-31-08 - 1:38 p.m.		105
21	19. 11-04-08 - 12:17 p.m.		108
22	20. 11-21-08 - 11:42 a.m.		114
23	21. 11-24-08 - 3:41 p.m.		119
24	22. 12-02-08 - 8:48 a.m.		126
25	23. Court Reporter's Certificate.....		139

(Beginning of CD Transcription)

AUGUST 29, 2008 - 2:49 P.M.

ANSWERING MACHINE: Saved message. August 29, 2:49 p.m. This message is for Boyd Dungan. If Boyd Dungan cannot be reached at this number, please call us back at 888-274-9847 where we can remove it. If you are not Boyd Dungan, please hang up or disconnect. If you are Boyd Dungan, please continue to listen to this message. There will now be a three-second pause in this message.

By continuing to listen to this message, you acknowledge you are Boyd Dungan. This is a call from MRS Associates. This is an attempt to collect a debt and any information obtained will be used for that purpose. Please contact us about an important business matter at 888-274-9847. Thank you. Good-bye.

SEPTEMBER 5, 2008 - 8:59 A.M.

MR. DUNGAN: Hello.

RECORDING: Hello, this is not a sale's solicitation. Please stay on the line for the first available representative. It is important that we speak with you. We will be with you shortly. Thank you.

Hello, this is not a sale's solicitation. Please stay on the line for the first available

1 representative. It's important that we speak with you.

2 Thank you.

3 MR. DUNGAN: Friday, September 5th, 2008,
4 8:59 a.m.

5 RECORDING: Hello, this is not a sale's
6 solicitation. Please stay on the line for the first
7 available representative. It's important that we speak
8 with you. We will be with you shortly. Thank you.

9 MS. VAUGHAN: Hello.

10 MR. DUNGAN: Hello.

11 MS. VAUGHAN: Hello. Good morning. I'm
12 looking for Boyd Dungan.

13 MR. DUNGAN: This is Boyd.

14 MS. VAUGHAN: Hello.

15 MR. DUNGAN: Yes, hello.

16 MS. VAUGHAN: Is this Boyd?

17 MR. DUNGAN: Yes, this is Boyd.

18 MS. VAUGHAN: Good morning, sir. This is
19 Ms. Vaughan. I am calling from MRS Associates. Just
20 want to let you know the purpose of my call is to
21 attempt to collect a debt. Any information obtained
22 will be used for that purpose. Okay?

23 MR. DUNGAN: Okay. I'm sorry, what was
24 your name again?

25 MS. VAUGHAN: Ms. Vaughan.

1 MR. DUNGAN: And what company do you
2 represent?

3 MS. VAUGHAN: I'm calling from MRS
4 Associates.

5 MR. DUNGAN: Okay.

6 MR. VAUGHAN: Okay. This -- I'm calling
7 regarding your account with Washington Mutual
8 Providian.

9 MR. DUNGAN: Okay. What's the account
10 number?

11 MS. VAUGHAN: The account number is -- you
12 ready?

13 MR. DUNGAN: Yeah.

14 MS. VAUGHAN: 12231330.

15 MR. DUNGAN: Okay.

16 MS. VAUGHAN: Just real quick, this call
17 may be recorded for quality assurance, okay?

18 MR. DUNGAN: Okay.

19 MS. VAUGHAN: Okay. (Unintelligible) to
20 proceed to make a decision on the account. We need to
21 know what you need -- plan to do to get this resolved.

22 MR. DUNGAN: What? I'm sorry, what do you
23 mean to get it resolved?

24 MS. VAUGHAN: Balance is due of \$6,180.00.

25 MR. DUNGAN: Okay. I can't pay.

1 MS. VAUGHAN: Okay. What is the reason why
2 you can't pay this, sir?

3 MR. DUNGAN: I can't pay.

4 MS. VAUGHAN: Okay. That's not an ans -- a
5 good enough answer for us.

6 MR. DUNGAN: Well, I just answered --

7 MS. VAUGHAN: Mr. Boyd.

8 MR. DUNGAN: I -- ma'am, I just answered
9 your question. I told you I can't pay.

10 MS. VAUGHAN: So you are unable to do
11 anything. That means you are refusing to cooperate
12 with my office? Yes or no?

13 MR. DUNGAN: No, ma'am, I'm not refusing.
14 I just answered your question I can't pay.

15 MS. VAUGHAN: Okay. Well, we need to know
16 why you cannot pay a \$6,000 debt in collection, sir.

17 MR. DUNGAN: Ma'am, unless you have another
18 question, I've already answered that question.

19 MS. VAUGHAN: Okay. Further collection
20 will proceed, sir. Have a good day.

21 MR. DUNGAN: You do the same. Thank you
22 very much.

23 **SEPTEMBER 7, 2008 - 6:10 P.M.**

24 RECORDING: Hello, this is an important
25 call for Boyd Dungan. If this is Boyd Dungan, please

1 press one now. To place this call on hold to --

2 (One beep is heard)

3 RECORDING: Please hold while we connect
4 you to a representative.

5 Hello, this is not a sale's solicitation.

6 MS. JACKSON: MRS Associates. May I help
7 you?

8 MR. DUNGAN: Somebody called me.

9 MS. JACKSON: Is this Boyd?

10 MR. DUNGAN: Yes, it is.

11 MS. JACKSON: Boyd Dungan?

12 MR. DUNGAN: Yes, ma'am.

13 MS. JACKSON: How are you doing today, sir?

14 MR. DUNGAN: Fine. You?

15 MS. JACKSON: Okay. I'm doing fine. Let
16 me see who called, okay?

17 MR. DUNGAN: Okay.

18 MS. JACKSON: Okay. Mr. Dungan.

19 MR. DUNGAN: Uh-huh.

20 MS. JACKSON: Okay. This call may be
21 recorded for quality assurance purposes. And the
22 purpose of this call is to collect a debt. Any
23 information obtained will be used for that purpose.

24 And can you verify for me, please, the last
25 two digits of your Social Security number?

1 MR. DUNGAN: Whom am I speaking with,
2 please?

3 MS. JACKSON: This is Tammy Jackson. I'm
4 with MRS Associates.

5 MR. DUNGAN: Okay. And --

6 MS. JACKSON: I'm contacting you today
7 regarding an account that has been forwarded to my
8 office, your Washington Mutual account.

9 MR. DUNGAN: Okay. And what's the account
10 number?

11 MS. JACKSON: 4185860419125402. It's for
12 your Visa.

13 MR. DUNGAN: Okay.

14 MS. JACKSON: Okay. And you owe my client
15 an amount of \$6,180.36. And I'm contacting you today
16 to see how we can come to a resolution on your debt.

17 MR. DUNGAN: Okay. What do -- what do you
18 mean by a resolution?

19 MS. JACKSON: Well, we need to get some
20 type of payment in our office for -- on your debt. We
21 can either --

22 MR. DUNGAN: Well, I can't pay.

23 MS. JACKSON: We can go a full -- full
24 payment. We can do a full payment of \$6,180 or we can
25 do a settlement out or we can do some type of payment

1 plan today, sir.

2 MR. DUNGAN: I can't pay.

3 MS. JACKSON: Why not? Are you working?

4 MR. DUNGAN: I can't pay.

5 MS. JACKSON: Are you currently working?

6 Are you still at 2920 Shak -- Shalako Drive?

7 MR. DUNGAN: Look, I have no way to verify
8 you are who you say you are. I'm not going to
9 verify --

10 MS. JACKSON: Well, sir, you can call me
11 right back if --

12 MR. DUNGAN: I'm not going to --

13 MS. JACKSON: (Unintelligible).

14 MR. DUNGAN: I am not going to verify --

15 MS. JACKSON: (Unintelligible).

16 MR. DUNGAN: Ma'am.

17 MS. JACKSON: I mean, I have -- I have all
18 your information right here.

19 MR. DUNGAN: Then why are you asking me
20 these questions if you already know them, the answer to
21 them?

22 MS. JACKSON: I'm asking to verify -- to
23 make sure I'm speaking correctly to the person I need
24 to be speaking with. When I asked you for your last
25 two digits of your Social Security, sir, that was for

1 your security purposes.

2 MR. DUNGAN: Well, I'm not going to verify
3 that information over this phone.

4 MS. JACKSON: (Unintelligible) in front of
5 me.

6 MR. DUNGAN: I'm not going to verify the
7 information over the phone.

8 MS. JACKSON: Boyd Dungan. Okay. You
9 don't want to verify any information? What if I'm not
10 speaking to Boyd Dungan?

11 MR. DUNGAN: I've -- haven't I already said
12 that I'm Boyd Dungan?

13 MS. JACKSON: I will have to make this
14 decision that directly affects you.

15 MR. DUNGAN: Okay.

16 MS. JACKSON: So how -- how can we come to
17 a resolution on your debt today, sir?

18 MR. DUNGAN: Well, I just answered your
19 question. I told you I can't pay.

20 MS. JACKSON: Right.

21 MS. BALLINGER: Mr. Dungan, how are you
22 doing today?

23 MR. DUNGAN: I'm fine. And yourself?

24 MS. BALLINGER: Fine. My name's Tina
25 Ballinger. I'm Ms. Jackson's manager. I was

1 monitoring your line.

2 MR. DUNGAN: Uh-huh.

3 MS. BALLINGER: This is the first time I've
4 spoke to you. It is in an attempt to collect a debt,
5 and any information will be used for that purpose. All
6 calls are monitored for quality assurance purposes.

7 Before we make our final recommendation, we
8 wanted to contact you to see what we can do to help get
9 this matter taken care of. You do have a balance of
10 \$6,180.36. Mr. Dungan, I'm on a recorded line, what
11 are your intentions to get this matter resolved?

12 MR. DUNGAN: Well, let me see. I had a
13 Ms. Vaughan call me a couple of days ago, and she asked
14 me the same question. I told her that I can't pay.
15 The lady that I'm speaking to -- that I was speaking to
16 prior to you asked me the same question. I told her
17 that I can't pay. You're asking me the same question
18 again. I've answered that question.

19 MS. BALLINGER: Are you currently employed,
20 Mr. Dungan? That's all I need to know. Are you
21 employed?

22 MR. DUNGAN: I'm not going to answer that
23 question.

24 MS. BALLINGER: Why?

25 MR. DUNGAN: I don't -- I am not obligated

1 to answer that question to you.

2 MS. BALLINGER: Okay. So why -- I can just
3 do my own research. It's not -- it's not a problem.

4 MR. DUNGAN: Okay.

5 MS. BALLINGER: My client, LVNV Funding has
6 given us an opportunity to try to work with you.

7 MR. DUNGAN: Okay.

8 MS. BALLINGER: Since you're telling me,
9 and I'm on a recorded line, you are refusing to honor
10 that cardholder agreement that you legally signed, I'm
11 going to go ahead and note that -- this to my client to
12 go ahead and collect the balance in full. No payment
13 arrangement or settlement will be offered to you.

14 Do you have a pen, Mr. Dungan?

15 MR. DUNGAN: Uh, yeah, I believe I do.

16 MS. BALLINGER: Okay. I'm going to give
17 you 24 hours. You either can come up with a settlement
18 to get this matter taken care of before I make my final
19 recommendation -- I'm willing to bring the balance down
20 to 4449, knocking off quite a bit of the balance from
21 6180. Ready?

22 MR. DUNGAN: Sure.

23 MS. BALLINGER: My phone number is
24 888-274-9847.

25 MR. DUNGAN: Okay.

1 MS. BALLINGER: In the meantime, I'm going
2 to go ahead and do my little research that I have to
3 do. I'm going to give you 24 hours to come up with the
4 4449. And if not, if I don't hear back from you, I
5 will go ahead and let my client know that you have no
6 intention to getting this matter resolved on a
7 voluntary basis, to go ahead and do what they feel
8 necessary in collecting the balance.

9 MR. DUNGAN: Okay.

10 MS. BALLINGER: And you still live at 2920
11 Shalako Drive?

12 MR. DUNGAN: I'm not going to answer that
13 question either. I decline to answer that question.

14 MS. BALLINGER: (Unintelligible) my
15 information. You have 24 hours. Good luck.

16 MR. DUNGAN: Thank you. You have a good
17 day.

18 Let's see, it's currently Sunday, September
19 7th. Call is ended at 6:17 p.m., Sunday, September
20 2000 -- Sunday, September 7th, 2008, 6:17 p.m.

21 **SEPTEMBER 8, 2008 - 12:32 P.M.**

22 MR. DUNGAN: Hello.

23 RECORDING: Hello. This is not a sale's
24 solicitation. Please stay on the line for the first
25 available representative. It's important that we speak

1 with you. We will be with you shortly. Thank you.

2 MR. DUNGAN: Monday, September 8th, 2008,
3 12:32 p.m.

4 RECORDING: Hello. This is not a sale's
5 solicitation. Please stay on the line for the first
6 available representative. It's important that we speak
7 with you.

8 ANGELA: Hello.

9 MR. DUNGAN: Hello.

10 ANGELA: Hello. I'm trying to reach Boyd
11 Dungan.

12 MR. DUNGAN: This is Boyd.

13 ANGELA: Hi, this is Angela calling from
14 MRS Associates. How are you doing today, sir?

15 MR. DUNGAN: I'm fine. And yourself?

16 ANGELA: I'm pretty good. I'm calling you
17 today in regards to your Providian Washington Mutual
18 account.

19 MR. DUNGAN: Okay. I'm sorry, what was
20 your name again?

21 ANGELA: Angela.

22 MR. DUNGAN: Angela. What company do you
23 represent?

24 ANGELA: MRS Associates.

25 MR. DUNGAN: Okay. And you're call -- and

1 you're calling regarding what?

2 ANGELA: Your Providian Washington Mutual.

3 MR. DUNGAN: What's the account number?

4 ANGELA: Okay. Right before I go any
5 further, I have to let you know this call may be
6 recorded for quality assurance purposes. And the
7 purpose of this call is an attempt to collect a debt,
8 and any information obtained will be used for that
9 purpose. Okay. Are you ready?

10 MR. DUNGAN: Sure.

11 ANGELA: It's 4185 --

12 MR. DUNGAN: Okay.

13 ANGELA: -- 8604 --

14 MR. DUNGAN: Okay.

15 ANGELA: -- 1912 --

16 MR. DUNGAN: Okay.

17 ANGELA: -- 54 -- 5402.

18 MR. DUNGAN: All right.

19 ANGELA: Okay. Now, the balance on the
20 account is \$6,180.36. And I was calling to see what
21 your intentions were to get this resolved?

22 MR. DUNGAN: I can't pay.

23 ANGELA: You can't pay anything?

24 MR. DUNGAN: I can't pay.

25 ANGELA: Okay. And why -- why can't you

1 pay anything?

2 MR. DUNGAN: I -- I can't pay.

3 ANGELA: Okay. So you can't pay anything
4 on it at all?

5 MR. DUNGAN: I can't pay.

6 ANGELA: Okay. But I -- I -- I see what
7 you're saying, but you're not telling me anything. You
8 can't pay the whole entire balance at once, you can't
9 pay payments, what?

10 MR. DUNGAN: I believe I've already
11 answered that question. I can't pay.

12 ANGELA: Okay, sir. Are you refusing to
13 pay, then?

14 MR. DUNGAN: No, I'm not refusing. I can't
15 pay.

16 ANGELA: Okay. Why not?

17 MR. DUNGAN: I believe I've already
18 answered that question. I cannot pay.

19 ANGELA: No, sir, you haven't told me why
20 you can't pay anything. And all you keep saying is you
21 can't pay.

22 MR. DUNGAN: Okay. Well, I can't pay.

23 ANGELA: Are you working?

24 MR. DUNGAN: I respectfully decline to
25 answer that question.

1 ANGELA: Okay. Well, that's fine. If you
2 don't want to, you know, work with me here, because
3 I -- I'm willing to work with you on this, I'll go
4 ahead and send this back to them as a refusal to pay.
5 And they'll go ahead and proceed to collect the balance
6 in full the way they deem necessary.

7 MR. DUNGAN: Okay.

8 ANGELA: Okay. All right. Calls will
9 continue.

10 MR. DUNGAN: Okay.

11 ANGELA: Bye.

12 MR. DUNGAN: Good-bye.

13 Call ended at 12:35 p.m. Again, it's
14 September -- Monday, September 8th, 2008. Call ended
15 at 12:35 p.m.

16 **SEPTEMBER 9, 2008 - 10:02 A.M.**

17 (Phone ringing)

18 RECORDING: Hello. This is an important
19 call for Boyd Dungan. If this is Boyd Dungan, please
20 press one now. To place this call on hold to allow for
21 this person to come to the phone, please press two.

22 (One beep is heard)

23 RECORDING: This call is on hold. Please
24 press any key on your telephone keypad to hear this
25 message.

1 MR. DUNGAN: Tuesday, September 9th, 2008,
2 10:02 a.m.

3 RECORDING: This --

4 (One beep is heard)

5 RECORDING: Hello. This is an important
6 call for Boyd Dungan. If this is Boyd Dungan, please
7 press one now.

8 (One beep is heard)

9 RECORDING: Please hold while we connect
10 you to a representative.

11 MS. BARNETT: Hi, may I speak to Boyd
12 Dungan.

13 MR. DUNGAN: Yeah, this is Boyd.

14 MS. BARNETT: Hi, Boyd. This is Crystal
15 Barnett, and this is MRS Associates. I was contacting
16 you per a previous conversation you had with one of my
17 associates on the 8th regarding your Washington Mutual
18 Providian account.

19 MR. DUNGAN: Okay.

20 MS. BARNETT: Actually, they did mark the
21 file as a refusal and sent it over to me to make a
22 decision. Before any decisions were made, I wanted to
23 see why you weren't even able to set up a small payment
24 plan until things possibly got better?

25 MR. DUNGAN: Okay. I'm -- I'm sorry, what

1 was your name again?

2 MS. BARNETT: My name is Crystal Barnett.

3 MR. DUNGAN: Okay. And what company do you
4 represent?

5 MS. BARNETT: MRS Associates.

6 MR. DUNGAN: And you're calling in
7 reference to what? I'm sorry.

8 MS. BARNETT: Washington Mutual Providian.

9 MR. DUNGAN: And the account number is?

10 MS. BARNETT: Let me pull that up here.
11 Last four on the account number, 5402.

12 MR. DUNGAN: Okay. And how may I help you
13 today?

14 MS. BARNETT: I was actually calling to see
15 why you were unable to mark -- to get, like, even a
16 small payment plan set up regarding the file?

17 MR. DUNGAN: Okay. Well, I can't pay.

18 MS. BARNETT: You're not even able to do a
19 \$50 a month just to show some kind of an intent at this
20 point?

21 MR. DUNGAN: I cannot pay.

22 MS. BARNETT: I do have to let you know the
23 purpose of the call is an attempt to collect on a debt.
24 Any information obtained will be used for that purpose.
25 The call may be recorded for quality assurance

1 purposes.

2 Did they give you our callback information
3 anything changed -- in case anything happened to
4 change?

5 MR. DUNGAN: I'm -- you wanted to give me a
6 phone number; is that correct?

7 MS. BARNETT: Well, I asked if they had
8 given you the callback information in case you decided
9 that you wanted to try to get something set up
10 regarding the file?

11 MR. DUNGAN: Oh, why don't you go ahead and
12 give that me now, please.

13 MS. BARNETT: It's 888 --

14 MR. DUNGAN: Okay.

15 MS. BARNETT: -- 274 --

16 MR. DUNGAN: Okay.

17 MS. BARNETT: -- 9847.

18 MR. DUNGAN: Okay.

19 MS. BARNETT: (Unintelligible) speak to
20 anyone when you call in. Just let them now that -- who
21 you are.

22 MR. DUNGAN: Okay.

23 MS. BARNETT: Well, do you know a
24 roundabout time when you think things may get better
25 for you at all?

1 MR. DUNGAN: No. I have a question, if I
2 may.

3 MS. BARNETT: Sure.

4 MR. DUNGAN: I believe I spoke to a
5 Ms. Ballinger the other day.

6 MS. BARNETT: Okay.

7 MR. DUNGAN: And she said that -- I mean,
8 you've mentioned Washington Mutual.

9 MS. BARNETT: Uh-huh.

10 MR. DUNGAN: Okay. Well, actually,
11 Ms. Ballinger told me that you-all are representing a
12 company called LV --

13 MS. BARNETT: LVNV Funding.

14 MR. DUNGAN: LVNV. Okay.

15 MS. BARNETT: Yeah, we're calling about
16 your Washington Mutual Providian.

17 MR. DUNGAN: Okay. So, evidently, LVNV has
18 bought this account from Washington Mutual, correct?

19 MS. BARNETT: Correct.

20 MR. DUNGAN: Okay. Just out of curiosity,
21 how much did LVNV pay for the account?

22 MS. BARNETT: Um, well, the settlement that
23 they're authorizing for you at this point is going to
24 be prob -- around about what they ended up paying for
25 it.

1 MR. DUNGAN: Ma'am, which would be?

2 MS. BARNETT: Let me get (unintelligible).

3 (Unintelligible) per the account, it looks like

4 \$4,440.36

5 MR. DUNGAN: So that's -- you're telling me
6 that LVNV paid 44 -- about \$4400 for the account?

7 MS. BARNETT: Roundabout, yes. Now, I
8 could probably get a lower settlement approved if you
9 thought it was something that was possible.

10 MR. DUNGAN: Okay. I'm -- I can't pay.

11 MS. BARNETT: Okay. So this was just a
12 curiosity question on what they paid for it?

13 MR. DUNGAN: Yeah, just -- just a question.

14 MS. BARNETT: Okay. So there's no
15 relevance to the point of you actually paying your
16 bill?

17 MR. DUNGAN: It was relevant to my
18 curiosity.

19 MS. BARNETT: Okay. Please keep in mind at
20 this point we do have to mark the account as a refusal
21 to pay or refusal of your cardholder agreement, refusal
22 of a settlement.

23 MR. DUNGAN: Okay. Well, I'm not -- I'm
24 not refusing to cooperate. In fact, I've answered all
25 your questions. It's just simply that I can't pay.

1 MS. BARNETT: Yeah, I understand that, sir.
2 But you are refusing to pay the bill, so it is marked
3 as a refusal.

4 MR. DUNGAN: Well, no. No, I haven't
5 refused.

6 MS. BARNETT: You are not setting up any
7 type of an arrangement or small payment plan.
8 You're --

9 MR. DUNGAN: Okay.

10 MS. BARNETT: -- refusing to put anything
11 down on the account at all. Because of the contract
12 you signed, it is still considered to be a refusal.

13 MR. DUNGAN: Okay.

14 MS BARNETT: Okay. Thank you. Have a good
15 day.

16 MR. DUNGAN: You do the same. Thank you.

17 Call is ended at 10:06 a.m. Once again,
18 it's Tuesday, September 9th, 2008. Call has ended at
19 10:06 a.m.

20 **SEPTEMBER 18, 2008 - 8:56 A.M.**

21 (Phone ringing)

22 RECORDING: Hello. This is an important
23 call for Boyd Dungan. If this is Boyd Dungan, please
24 press one now. To place this call on hold to allow
25 time for this person to come to the phone, please press

1 two.

2 (One beep heard)

3 RECORDING: This call is on hold. Please
4 press any key on your telephone keypad to hear this
5 important message.

6 MR. DUNGAN: Thursday, September 18th,
7 2008, 8:56 a.m.

8 RECORDING: This call is on hold. Please
9 press any key on your telephone keypad --

10 (One beep heard)

11 RECORDING: Hello. This is an important
12 call for Boyd Dungan. If this is Boyd Dungan, please
13 press one now.

14 (One beep heard)

15 RECORDING: Please hold while we connect
16 you to a representative. Hello.

17 MS. JACKSON: MRS Associates. May I help
18 you?

19 MR. DUNGAN: Somebody called me.

20 MS. JACKSON: Boyd Dungan?

21 MR. DUNGAN: Yes, ma'am.

22 MS. JACKSON: How are you doing today?

23 MR. DUNGAN: All right. And yourself?

24 MS. JACKSON: Doing good. Just
25 calling -- let me see. Let me get this out of the way

1 right here first. This call may be recorded for
2 quality assurance purposes. And the purpose of this
3 call is an attempt to collect a debt, and any
4 information obtained will be used for that purpose.

5 Are you still at 2920 Shalako Drive?

6 MR. DUNGAN: I decline to answer that
7 question.

8 MS. JACKSON: You decline to answer that?

9 MR. DUNGAN: What -- excuse me. I'm sorry.
10 What was your name again?

11 MS. JACKSON: My name is Ms. Jackson.

12 MR. DUNGAN: Ms. Jackson. And what -- what
13 company do you represent?

14 MS. JACKSON: I represent MRS Associates.
15 I'm calling today for your Washington Mutual Visa.

16 MR. DUNGAN: Okay.

17 MS. JACKSON: Do you have a piece of paper
18 and a pen?

19 MR. DUNGAN: What's -- what's the account
20 number?

21 MS. JACKSON: The account number that you
22 had on your account?

23 MR. DUNGAN: Yes, ma'am.

24 MS. JACKSON: Or the account number we have
25 given your account?

1 MR. DUNGAN: No, the account number on the
2 account.

3 MS. JACKSON: Okay. 4185860419125402.

4 MR. DUNGAN: Okay.

5 MS. JACKSON: Can I get you to verify the
6 last two numbers of your Social Security so I can make
7 sure I'm speaking with Mr. Dungan?

8 MR. DUNGAN: Can I get you to verify the
9 last two digits of your Social -- Social Security
10 number, please?

11 MS. JACKSON: Uh-huh. 75.

12 MR. DUNGAN: Okay. Well, I decline to
13 answer your question.

14 MS. JACKSON: Okay. Well, sir, why do you
15 keep on asking me questions, but I can't ask you
16 questions?

17 MR. DUNGAN: I'm not obligated to answer
18 any of your questions, ma'am. I have no way of
19 verifying that you are who you say you are.

20 MS. JACKSON: Okay. Well, you call -- you
21 called me back.

22 MR. DUNGAN: No. No, ma'am, that's
23 incorrect. You called me, and I answered the phone,
24 and it put me on hold. So that's incorrect.

25 MS. JACKSON: Okay. Well, sir --

1 MR. DUNGAN: You -- you-all called me.

2 And, you know, I've -- I've spoken with -- this makes
3 the second time I've spoken with you now. So --

4 MS. JACKSON: The second you've spoken with
5 me?

6 MR. DUNGAN: Yes, ma'am, that is correct.
7 And I believe I answered all your questions the last
8 time I talked to you.

9 MS. JACKSON: No, sir, I've never talked to
10 you.

11 MR. DUNGAN: You never have, really?

12 MS. JACKSON: I never personally talked to
13 you. No, I have not.

14 MR. DUNGAN: Okay.

15 MS. JACKSON: My name is Ms. Jackson. I
16 have never talked to you. I'm looking at your account
17 right now.

18 MR. DUNGAN: Okay.

19 MS. JACKSON: I have never spoken with you.

20 MR. DUNGAN: Okay.

21 MS. JACKSON: The reason I'm asking, do you
22 have any intentions on taking care of this debt?

23 MR. DUNGAN: I can't pay.

24 MS. JACKSON: You don't have any
25 intentions? Well, I'll mark your account as a refusal

1 to honor your cardholder agreement.

2 MR. DUNGAN: Ma'am.

3 MS. JACKSON: Refuse to cooperate in
4 reaching a settlement.

5 MR. DUNGAN: Ma'am, I'm -- I'm not
6 refusing. I simply can't pay.

7 MS. JACKSON: Are you currently employed?

8 MR. DUNGAN: I decline to answer that
9 question.

10 MS. JACKSON: If you're declining to answer
11 all the questions, then you're refusing.

12 MR. DUNGAN: No, ma'am, I'm -- I'm not
13 refusing.

14 MS. JACKSON: Yes, you --

15 MR. DUNGAN: I simply can't pay.

16 MS. JACKSON: You're declining payment,
17 you're refusing to verify who you are.

18 MR. DUNGAN: That's incorrect also. I'm
19 not declining payment. I simply can't --

20 MS. JACKSON: Cooperate.

21 MR. DUNGAN: Okay.

22 MS. JACKSON: You're refusing to cooperate.

23 MR. DUNGAN: Okay.

24 MS. JACKSON: Aren't you?

25 MR. DUNGAN: No, ma'am.

1 MS. JACKSON: Yes, you are.

2 MR. DUNGAN: I just ans --

3 MS. JACKSON: You refused to verify your
4 Social Security --

5 MR. DUNGAN: No, ma'am, I just answered
6 your question.

7 MS. JACKSON: Refuse to verify your
8 address. You're declining, so you're refusing to
9 cooperate, correct?

10 MR. DUNGAN: No, ma'am.

11 MS. JACKSON: Yes, that is correct.

12 MR. DUNGAN: Well --

13 MS. JACKSON: Are you still residing at
14 2920 Shalako Drive?

15 MR. DUNGAN: I decline to answer that
16 question.

17 MS. JACKSON: Okay. Then you're refusing
18 to cooperate, sir. You have no intentions of taking
19 care of this debt. Thank you.

20 MR. DUNGAN: My goodness. Call ended at 9
21 o'clock a.m. Once again, it's Thursday, September 18,
22 2008. Call ended at 9 o'clock a.m.

23 **SEPTEMBER 19, 2008 - 11:16 A.M.**

24 MR. DUNGAN: Hello.

25 RECORDING: Hello. This is an important

1 call for Boyd Dungan. If this is Boyd Dungan, please
2 press one now. To place this call on hold to allow
3 time for this person to come to the phone, please press
4 two.

5 (One beep heard)

6 RECORDING: This call is on hold. Please
7 press any key on your telephone keypad to hear this
8 important message.

9 MR. DUNGAN: Friday, September 19th, 2008,
10 11:16 a.m.

11 RECORDING: This call is on hold.

12 (One beep heard)

13 RECORDING: Hello. This is an important
14 call for Boyd Dungan. If this is Boyd Dungan, please
15 press one now.

16 (One beep heard)

17 RECORDING: Please hold while we connect
18 you to a representative.

19 Hello. This is --

20 MR. FIELDS: MRS --

21 MR. DUNGAN: Hello?

22 MR. FIELDS: Yes, may I help you?

23 MR. DUNGAN: Somebody called me.

24 MR. FIELDS: We're looking for a Boyd
25 Dungan.

1 MR. DUNGAN: This is Boyd.

2 MR. FIELDS: Boyd, let me remind you this
3 is an attempt to collect a debt. Any information
4 obtained used for the purpose or a call being
5 monitored. It is being recorded for quality assurance.

6 It appears to be in regards to Washington
7 Mutual Providian. It looks live you had conversation
8 before.

9 MR. DUNGAN: Yeah. Okay. Well, I'm sorry,
10 what was your name again?

11 MR. FIELDS: Don Fields.

12 MR. DUNGAN: I'm sorry, what?

13 MR. FIELDS: You spoke to someone in our
14 office just yesterday.

15 MR. DUNGAN: Okay. And what was your name
16 again, please?

17 MR. FIELDS: It's Don.

18 MR. DUNGAN: And your last name, please.

19 MR. FIELDS: Fields, F-i-e-l-d-s.

20 MR. DUNGAN: Okay. And what company do you
21 represent?

22 MR. FIELDS: Mr. -- well, I'm with MRS
23 Associates on behalf of LVNV Funding.

24 MR. DUNGAN: Okay. And what's this in
25 regards to?

1 MR. FIELDS: The Washington Mutual
2 Providian account. Are you still at the address of
3 2920 Shalako Drive?

4 MR. DUNGAN: What's the account number?

5 MR. FIELDS: Okay, sir. I'm trying to ask
6 you a question in regards to your address.

7 MR. DUNGAN: Okay. Well, I -- I decline to
8 answer that question. So --

9 MR. FIELDS: Well, I tell you what. The
10 call's being recorded.

11 MR. DUNGAN: Okay.

12 MR. FIELDS: I take that as a refusal to
13 resolve the matter.

14 MR. DUNGAN: No, I'm not refusing anything.

15 MR. FIELDS: Okay. Well, you -- you didn't
16 answer the question. I'm not going to -- listen,
17 Mr. Fister -- Dungan, I'm not going to banter with you
18 or be combative.

19 MR. DUNGAN: Okay.

20 MR. FIELDS: If you're not going to answer
21 the question, I'll kindly terminate the call and advise
22 you further collection activity will continue, but I'm
23 not going to get into a whole lot of questions that are
24 irrelevant at this point.

25 MR. DUNGAN: Okay. Well --

1 MR. FIELDS: You're asking me questions.
2 I'm answering them very properly and professionally.

3 MR. DUNGAN: Okay. Let me ask -- let
4 me --

5 MR. FIELDS: I'm not going to take a
6 refusal on a question that I ask you which is very
7 obvious that should be answered. So if you don't want
8 to answer it with --

9 MR. DUNGAN: Well, first of all --

10 MR. FIELDS: -- with yes or no, say, no and
11 I'll terminate the call.

12 MR. DUNGAN: First of all, you're --

13 MR. FIELDS: Yes or no.

14 MR. DUNGAN: -- you're asking me to verify
15 information, okay.

16 MR. FIELDS: Sir, your address is all I'm
17 asking.

18 MR. DUNGAN: Have you ever heard of
19 identity theft, sir?

20 MR. FIELDS: Have I ever heard of it?
21 You're asking me a question without answering the
22 original question I asked. And I take it -- I'm going
23 to count to five before this call is terminated. If
24 you want to answer it, sir, it's a good day.

25 MR. DUNGAN: If -- if you want to terminate

1 the call, that's fine with me.

2 MR. FIELDS: Yeah.

3 MR. DUNGAN: Okay. Well, then why don't
4 you terminate the call?

5 MR. FIELDS: I already have. You quit
6 talking, that's all.

7 MR. DUNGAN: You're still talking.

8 MR. FIELDS: You're on the phone, but
9 you're just talking.

10 MR. DUNGAN: You --

11 MR. FIELDS: Because you're asking me a
12 question and still haven't verified who you are.

13 MR. DUNGAN: You haven't terminated the
14 call because you're still talking.

15 MR. FIELDS: Well, you're listening,
16 obviously.

17 MR. DUNGAN: Well --

18 MR. FIELDS: You won't verify the address
19 or --

20 MR. DUNGAN: Are you trying -- are you
21 trying -- are you attempting to harass me, sir?

22 MR. FIELDS: One, two, three, four, five.
23 Thank you, sir. Whoever you may be, thank you.

24 MR. DUNGAN: Call ended at 11:19 a.m. Once
25 again, it's Thursday, September 19th, 2008. Call ended

1 at 11:19 a.m.

2 **SEPTEMBER 21, 2008, 5:24 P.M.**

3 MR. DUNGAN: Hello.

4 RECORDING: Hello. This is an important
5 call for Boyd Dungan. If this is Boyd Dungan, please
6 press one now. To place this call on hold to allow
7 time for this person to come to the phone, please press
8 two.

9 (One beep heard)

10 RECORDING: This call is on hold. Please
11 press any key on your telephone keypad to hear this
12 important message.

13 MR. DUNGAN: Sunday, September 21st, 2008,
14 5:24 p.m.

15 RECORDING: This call is on hold. Please
16 press any key on your telephone keypad to hear this
17 important message.

18 (One beep heard)

19 RECORDING: Hello. This is an important
20 call for Boyd Dungan. If this is Boyd Dungan, please
21 press one now. To --

22 (One beep heard)

23 RECORDING: Please hold while we connect
24 you to a representative.

25 Hello. This --

1 UNIDENTIFIED MRS EMPLOYEE: Yeah, Boyd.

2 MR. DUNGAN: Yeah.

3 UNIDENTIFIED MRS. EMPLOYEE: Hello, Boyd.

4 MR. DUNGAN: Yes. Hello? Hello?

5 Call ended at 5:25 p.m., Sunday, September
6 21, 2008. Call ended at 5:25 p.m.

7 **SEPTEMBER 22, 2008, 12:52 P.M.**

8 MR. DUNGAN: Hello.

9 RECORDING: This is an important call for
10 Boyd Dungan. If this is Boyd Dungan, please press one
11 now. To place this call on hold to allow time for this
12 person to come to the phone, please press two.

13 (One beep heard)

14 RECORDING: This call is on hold. Please
15 press any key on your telephone keypad to hear this
16 important message.

17 MR. DUNGAN: Monday, September 22nd, 2008,
18 12:52 p.m.

19 RECORDING: This call is on --

20 (One beep heard)

21 RECORDING: Hello. This is an important
22 call for Boyd Dungan. If this is Boyd Dungan, please
23 press one now.

24 (One beep heard)

25 RECORDING: Please hold while we connect

1 you to a representative.

2 Hello.

3 PETER: Hello, this Boyd Dungan?

4 MR. DUNGAN: Yeah, this is Boyd. Hello?

5 PETER: This is Peter with MRS Associates.

6 How are you today?

7 MR. DUNGAN: I'm all right. I'm sorry,

8 what was your name?

9 PETER: My name is Peter.

10 MR. DUNGAN: What's your last -- what's

11 your last name?

12 PETER: I'm calling from MRS Associates.

13 MR. DUNGAN: What's your last name?

14 PETER: (Unintelligible).

15 MR. DUNGAN: I'm sorry, I didn't catch

16 that.

17 PETER: Mr. Dungan.

18 MR. DUNGAN: Yeah.

19 PETER: I do have to advise you the call

20 may be monitored or recorded for quality assurance

21 purposes.

22 MR. DUNGAN: Okay.

23 PETER: The purpose of our call is an

24 attempt to collect a debt, and any information obtained

25 will be used for that purpose.

1 This is for your LVNV Funding account
2 that's in our office. We represent LVNV Funding for
3 what used to be a Washington Mutual Visa account of
4 yours.

5 MR. DUNGAN: Okay.

6 PETER: There's an outstanding balance in
7 our office of \$6,247.91 --

8 MR. DUNGAN: What's --

9 PETER: -- that's gone unresolved. We
10 wanted to contact you to see if we can discuss some
11 options with you to get this resolved.

12 MR. DUNGAN: Okay. What -- what's the
13 account number again, please?

14 PETER: 12231330 is our MRS account number.

15 MR. DUNGAN: Okay. Well, I can't pay.

16 PETER: And what is the reason that you
17 can't pay the debt?

18 MR. DUNGAN: I can't pay.

19 PETER: Because why? What is your
20 reasoning?

21 MR. DUNGAN: Because I can't pay.

22 PETER: Okay. But we need to know a reason
23 for your delinquency. Are you unemployed, are you
24 disabled?

25 MR. DUNGAN: I can't pay.

1 PETER: I have to advise you that further
2 collection activity is going to continue on the
3 account. We have to document the -- the breach of
4 contract --

5 MR. DUNGAN: Uh-huh.

6 PETER: -- refusal to pay and a refusal to
7 cooperate since you're not giving us --

8 MR. DUNGAN: Well, no, I'm not --

9 PETER: -- giving us reason why you're
10 not --

11 MR. DUNGAN: Sir, I'm not -- I'm not
12 refusing --

13 PETER: -- (unintelligible) cooperate.

14 MR. DUNGAN: I'm not refusing to cooperate
15 with you. I simply can't pay.

16 PETER: I've asked you -- this will
17 be -- be now the fourth time that I've asked you what
18 is your reason for delinquency.

19 MR. DUNGAN: Okay.

20 PETER: You just keep saying I can't pay.
21 But what is the reason --

22 MR. DUNGAN: And --

23 PETER: -- you can't pay?

24 MR. DUNGAN: And I have answered your
25 question regarding that. And -- and let -- let me ask

1 you a question. You know, you -- you say that you're
2 going to have to mark this down as I'm not cooperating
3 and it's a refusal to pay. And, you know, this is
4 about the twelfth call I've gotten from you-all that
5 you say the same thing. How many times does it take
6 to -- for you to call me to mark this down as
7 unresolved? It appears --

8 PETER: (Unintelligible).

9 MR. DUNGAN: It appears to me that you're
10 attempting to harass me.

11 PETER: This -- this is a collection. If
12 you were to research it, you would understand that.

13 MR. DUNGAN: Well --

14 PETER: (Unintelligible).

15 MR. DUNGAN: No, it seems to me you-all --

16 PETER: Okay.

17 MR. DUNGAN: It seems to me you're trying
18 to harass me because you call me --

19 PETER: I'm not harassing you, sir.

20 MR. DUNGAN: Yes, you are.

21 PETER: If we harassed you, we'd be calling
22 you --

23 MR. DUNGAN: Yes, you are.

24 PETER: -- (unintelligible) times
25 during -- throughout the day. By law, the FCC --

1 MR. DUNGAN: This is harassment.

2 PETER: -- (unintelligible) is allowed to
3 call you three -- make efforts to contact you three
4 times a day.

5 MR. DUNGAN: Let -- let me -- let me ask
6 you this, also. How much did LV -- LVNV pay for this
7 account?

8 PETER: LVNV Funding?

9 MR. DUNGAN: Yeah.

10 PETER: Our -- our client?

11 MR. DUNGAN: Yeah. How much did they pay
12 for this account?

13 PETER: We don't -- we don't have anything
14 to do with the purchase of the debt, sir. We just
15 collect it on a retention basis for them.

16 MR. DUNGAN: Okay. Well, that's --
17 that's -- you know, I -- you didn't answer my question,
18 really. I mean, you're telling me that I'm not
19 answering your question. You really didn't answer my
20 question right there.

21 PETER: It's not about how much they bought
22 the debt for. It's about that you owe \$6,247,91.

23 MR. DUNGAN: Okay. Well, I --

24 PETER: It's not how much my client bought
25 the debt for.

1 MR. DUNGAN: Okay. Well --

2 PETER: I'm not going to have you
3 flip -- flip it on us today. That's not -- that's not
4 the purpose of our call. The purpose of our call is to
5 collect the debt. And any information obtained is used
6 for that purpose.

7 MR. DUNGAN: Okay.

8 PETER: Whatever LVNV bought the debt for
9 doesn't have any validity about how much you owe for
10 the bill. That doesn't have anything to do --

11 MR. DUNGAN: Well, sure -- sure it does.
12 You may not want to admit that, but sure it does.

13 Anyway, I've answered your question. I
14 can't pay. Is there anything else I can help you with
15 today?

16 PETER: I do have to advise you,
17 Mr. Dungan, that further collection activity is going
18 to continue on the account --

19 MR. DUNGAN: You mean --

20 PETER: -- until you make arrangements
21 to --

22 MR. DUNGAN: You mean further harassment
23 activities.

24 PETER: -- pay a settlement on the account
25 or at least make partial-payment arrangements. We're

1 more than willing to work with you.

2 MR. DUNGAN: Uh-huh.

3 PETER: You have to keep in mind that we're
4 not -- we're not here to badger you --

5 MR. DUNGAN: You're more than willing
6 to --

7 PETER: -- or to make things difficult for
8 you.

9 MR. DUNGAN: Actually, you are
10 because --

11 PETER: We're here to try to help you.
12 Because you're going to have to come to a point
13 where --

14 MR. DUNGAN: No, you're calling me every
15 day.

16 PETER: -- you're going to have to say, you
17 know what --

18 MR. DUNGAN: So you are badgering me, you
19 are harassing me.

20 PETER: -- (unintelligible) whether it be,
21 you know, paying \$100 a month or whatever the case may
22 be --

23 MR. DUNGAN: Uh-huh.

24 PETER: -- that's going to fit you best
25 financially.

1 MR. DUNGAN: All right.

2 PETER: You're going to have to come to a
3 point where you're going to be -- where you're going to
4 have to say, okay, let's -- let's -- let's work with
5 these people. If you keep, you know, just avoiding the
6 situation, I mean, it's just going to -- you know,
7 it --

8 MR. DUNGAN: Sir, I'm not avoiding
9 anything. I'm talking to you now.

10 PETER: Every day it's going to be the same
11 thing.

12 MR. DUNGAN: And I've told to you --

13 PETER: I mean, they're going to continue
14 to call you. Whether we collect the debt or not, we'll
15 send it back to the client and then they'll send it to
16 another agency or they'll proceed with further
17 collection efforts in -- in -- in other ways. So, I
18 mean, it's -- like I said, you're going to have to come
19 to a point where you're going to have to, you know,
20 bend a little bit here and -- and work with us.

21 MR. DUNGAN: Oh, really?

22 PETER: So that we can, you know, help you
23 get this resolved.

24 MR. DUNGAN: Uh, okay.

25 PETER: Hopefully you'll think about that

1 and take that into consideration. Again, we're not
2 here -- we're not here to -- we're not your enemy.
3 We're here -- here to help you and to help your -- your
4 FICO score and your credit report.

5 MR. DUNGAN: Yeah.

6 PETER: Get you back on your feet again to
7 where you'll, you know, be able to -- you know, you'll
8 be able to do some things later on in life with the
9 credit so that, you know, that your -- your credit
10 report isn't, you know, diminished by this. Okay?

11 MR. DUNGAN: Okay.

12 PETER: So you have a nice day, sir. And,
13 hopefully, you'll have a change of heart.

14 MR. DUNGAN: You -- you do the same.

15 PETER: All right, sir. Good day.

16 MR. DUNGAN: You, too. Bye-bye.

17 Call ended at 12:58 p.m. Once again, it's
18 Monday, September 22nd, 2008. Call ended at 12:58 p.m.

19 **SEPTEMBER 23, 2008 - 11:35 A.M.**

20 (Phone ringing)

21 MR. DUNGAN: Hello.

22 RECORDING: Hello. This is an important
23 call for Boyd Dungan. If this is Boyd Dungan, please
24 press one now. To place this call on hold to allow
25 time for this person to come to the phone, please press

1 two.

2 (One beep heard)

3 RECORDING: This call is on hold. Please
4 press any key on your telephone keypad to hear this
5 important message.

6 MR. DUNGAN: Tuesday, September 23rd, 11:35
7 a.m.

8 RECORDING: This call is on hold. Please
9 press any key on your telephone keypad to hear this --

10 (One beep heard)

11 RECORDING: Hello. This is an important
12 call for Boyd Dungan. If this is Boyd Dungan, please
13 press one now.

14 (One beep heard)

15 RECORDING: Please hold while we connect
16 you to a representative.

17 Hello.

18 MR. TURNER: Hi, Boyd.

19 MR. DUNGAN: Yeah.

20 MR. TURNER: Boyd Dungan, my name is
21 Mr. Turner. I'm contacting you from MRS Associates in
22 regard to some documents here in my office.

23 MR. DUNGAN: Okay.

24 MR. TURNER: Really quick, I wanted to let
25 you know that our calls are monitored and recorded for

1 quality assurance. And the purpose of my call today is
2 an attempt to collect from a debt. Any information
3 obtained is used for that purpose.

4 It's in regard to your LVNV Funding account
5 or better known as your Washington Mutual account.

6 MR. DUNGAN: Okay. And what was your name
7 again? I'm sorry.

8 MR. TURNER: My name is Mr. Turner.

9 MR. DUNGAN: And what company do you
10 represent?

11 MR. TURNER: MRS Associates.

12 MR. DUNGAN: And this is in regard to what?

13 MR. TURNER: Washington Mutual.

14 MR. DUNGAN: And the account number,
15 please.

16 MR. TURNER: The account number of what?

17 MR. DUNGAN: You're calling me about a
18 Washington Mutual account, didn't you say?

19 MR. TURNER: Uh-huh.

20 MR. DUNGAN: And what's the account number?

21 MR. TURNER: It's a Washington Mutual
22 Credit Card.

23 MR. DUNGAN: And the account number is?

24 MR. TURNER: What are you talking about
25 account number? It's a credit card.

1 MR. DUNGAN: The account number on the
2 credit card. Don't they usually have account numbers
3 on credit cards?

4 MR. TURNER: The orig -- your credit card
5 number is 4185860419125402.

6 MR. DUNGAN: Okay. And how may I help you
7 today?

8 MR. TURNER: You have a past due amount of
9 \$6,247.91.

10 MR. DUNGAN: Okay. I can't pay.

11 MR. TURNER: And why is that?

12 MR. DUNGAN: Because I can't pay.

13 MR. TURNER: Aren't you currently working?

14 MR. DUNGAN: I decline to answer that
15 question.

16 MR. TURNER: Okay. I take that as a, yes,
17 you are working. Are you just choosing not to pay it?
18 Did you charge up this card without any intention of
19 paying it back?

20 MR. DUNGAN: You can take that however you
21 want. I decline to answer the question. And I've
22 answered your other question I can't pay.

23 MR. TURNER: So -- so you're just choosing
24 not to pay. So, basically, I --

25 MR. DUNGAN: No, I have -- no, sir.

1 MR. TURNER: (Unintelligible) with you.

2 MR. DUNGAN: No.

3 MR. TURNER: I'm just going to mark your
4 account --

5 MR. DUNGAN: No, sir.

6 MR. TURNER: -- as a refusal to pay. Tell
7 my client you fraudulently opened this card without any
8 intention on paying it back. Now you are refusing to
9 cooperate and refusing under your cardholder agreement.

10 MR. DUNGAN: No, sir. No, sir, that's not
11 the case. I'm not refusing to cooperate with you.

12 MR. TURNER: Collection calls will
13 continue.

14 MR. DUNGAN: I am not refusing to cooperate
15 with you.

16 MR. TURNER: We'll make the
17 recommendation --

18 MR. DUNGAN: I simply can't pay.

19 MR. TURNER: -- (unintelligible) need be
20 necessary to get the balance in full. Is everything
21 understood, Mr. Dungan?

22 MR. DUNGAN: Whatever.

23 MR. TURNER: All right. Have a good day.

24 MR. DUNGAN: You, too. Bye-bye.

25 Call ended at 11:38 a.m. Once again, it's

1 Tuesday, September 23rd, 2008. Call -- call ended at
2 11:38 a.m.

3 **SEPTEMBER 26, 2008 - 12:54 P.M.**

4 RECORDING: This is an important call for
5 Boyd Dungan. If this is Boyd Dungan, please press one
6 now. To place this call on hold to allow time for this
7 person to come to the phone, please press two.

8 (One beep heard)

9 RECORDING: This call is on hold. Please
10 press any key on your telephone keypad to hear this
11 important message.

12 MR. DUNGAN: Friday, September 26 -- 26th,
13 2008, 12:54 p.m.

14 RECORDING: This call is on hold. Please
15 press any key on --

16 (One beep heard)

17 RECORDING: Hello. This is an important
18 call for Boyd Dungan. If this is Boyd Dungan, please
19 press one now. To place this --

20 (One beep heard)

21 RECORDING: Please hold while we connect
22 you to a representative.

23 Hello. This --

24 MS. BARNETT: Hi, I'm trying to get a hold
25 of Boyd Dungan.

1 MR. DUNGAN: Hello.
2 MS. BARNETT: Hello?
3 MR. DUNGAN: Yeah.
4 MS. BARNETT: Hi. I was trying to get a
5 hold of Boyd.
6 MR. DUNGAN: This is Boyd.
7 MS. BARNETT: Hi, Boyd. This is Crystal
8 with MRS Associates.
9 MR. DUNGAN: Yes, ma'am.
10 MS. BARNETT: It looks like you actually
11 spoke to an associate in my office on the 23rd
12 regarding your Washington Mutual Providian account?
13 MR. DUNGAN: Okay. What was your name
14 again?
15 MS. BARNETT: My name is Crystal Barnett.
16 MR. DUNGAN: Okay. And --
17 MS. BARNETT: They actually have marked the
18 account as a refusal and a recommendation to be made on
19 the account. Before any decisions were
20 made -- I was going through the notes here. I mean,
21 are you unable to even do any type of a small payment
22 plan?
23 MR. DUNGAN: Okay. Your name was
24 Ms. Barnett. And what -- what company did you say you
25 work for?

1 MS. BARNETT: MRS Associates.

2 MR. DUNGAN: Okay. And you're calling
3 into -- in regard to what?

4 MS. BARNETT: Your Wash -- the Washington
5 Mutual Providian account.

6 MR. DUNGAN: Okay. And the account number
7 is?

8 MS. BARNETT: Let me pull it up here for
9 you. Original account number ending 5402.

10 MR. DUNGAN: Okay. Now, I can't pay.

11 MS. BARNETT: Okay. You're not even able
12 to do something small?

13 MR. DUNGAN: I can't pay.

14 MS. BARNETT: The collection. So, no, not
15 at all? Not even a \$25 payment?

16 MR. DUNGAN: I can't pay.

17 MS. BARNETT: Okay. And I assume you're
18 not going to let me know why you're not able to pay so
19 we can let the client know to stop any further action
20 on the account?

21 MR. DUNGAN: And what do you mean by
22 further action?

23 MS. BARNETT: Well, right now the
24 account -- they want to know why it got -- they wanted
25 to know what your situation at this point was --

1 MR. DUNGAN: Okay.

2 MS. BARNETT: -- as to, you know, why
3 you're refusing to do any -- even any type of a
4 payment. If we're not able to work anything out,
5 all -- basically, all we're going to do is just let
6 them know that we can't work anything out with you.

7 MR. DUNGAN: Okay.

8 MS. BARNETT: And that the recommendation
9 be they do -- they take whatever means they feel are
10 necessary to collect the 6200.

11 MR. DUNGAN: Okay. And what means would
12 those be?

13 MS. BARNETT: That's up to my client, sir.
14 We're just the negotiators.

15 MR. DUNGAN: Okay. Well, you know, I've
16 answered this. You-all have called me several times
17 and I've answered this question several times.

18 I'm just curious, what do you call it when
19 a company calls an individual day after day repeatedly
20 and asks the same question over and over again and --

21 MS. BARNETT: It's called being in debt,
22 sir.

23 MR. DUNGAN: And --

24 MS. BARNETT: No, you haven't.

25 MR. DUNGAN: -- even though -- even though

1 that person has answered that question over and over
2 and over again, that same company continues to call
3 that individual day after day and asks the same
4 question over and over and over again, and during the
5 course of that conversation also tells that individual
6 that they will continue to call them day after day and
7 ask the same question over and over again, what do you
8 call that?

9 MS. BARNETT: I call it signing an
10 agreement stating that you were okay with it when you
11 signed up for your card.

12 MR. DUNGAN: Well, I call it harassmt and
13 the threat of harassmt.

14 MS. BARNETT: I would call it collections,
15 sir.

16 MR. DUNGAN: Okay. Well, you can call it
17 what you like, but it is harassmt and the threat of
18 continued harassmt.

19 MS. BARNETT: No, it's not.

20 MR. DUNGAN: Sure it is.

21 MS. BARNETT: (Unintelligible) ask your
22 (unintelligible), sir.

23 MR. DUNGAN: Huh?

24 MS. BARNETT: They can call you three times
25 a day.

1 MR. DUNGAN: Okay. Let me ask you this,
2 also. How much did LVNV pay for this account?

3 MS. BARNETT: No idea, sir. I didn't ask.
4 Now, they're willing to give a settlement of what they
5 paid for it.

6 MR. DUNGAN: Okay.

7 MS. BARNETT: If you're prepared to pay a
8 settlement.

9 MR. DUNGAN: I've already told you several
10 times --

11 MS. BARNETT: So --

12 MR. DUNGAN: -- I can't pay.

13 MS. BARNETT: -- that question is
14 irrelevant.

15 MR. DUNGAN: Huh?

16 MS. BARNETT: That question is irrelevant.

17 MR. DUNGAN: No, it's really not, but okay.

18 MS. BARNETT: How do you figure?

19 MR. DUNGAN: Huh?

20 MS. BARNETT: How do you figure it's not?
21 You don't have the money to -- to pay what they paid
22 for it.

23 MR. DUNGAN: Well, I have a sneaking
24 suspicion it's a whole lot less than what you're
25 telling me.

1 MS. BARNETT: Oh, no, I have the balance in
2 front of me. I didn't say that's what the payoff was.

3 MR. DUNGAN: Okay. No, I asked the -- the
4 question I asked was, how much did LVNV pay for the
5 account?

6 MS. BARNETT: And I --

7 MR. DUNGAN: I didn't ask --

8 MS. BARNETT: -- asked you what was the
9 relevance for that --

10 MR. DUNGAN: I didn't ask --

11 MS. BARNETT: -- was considering you're
12 refusing to even do a \$25 --

13 MR. DUNGAN: No. No. No. No, I'm not
14 refusing. I simply can't pay. I'm not refusing to
15 cooperate with you. And I'm not refusing to pay. I
16 simply can't pay. Okay?

17 MS. BARNETT: Per cardholder agreement, you
18 want -- you know that it is a refusal. You agreed to
19 pay the balance when it was delinquent with Washington
20 Mutual Providian.

21 So I will go ahead and we'll just let them
22 know that you're not able to do anything on the
23 account. I mean, I don't know what else I'm supposed
24 to do at this point. We're willing to work with you as
25 much as we possibly can --

1 MR. DUNGAN: Uh-huh.

2 MS. BARNETT: -- to stop the collections,
3 and -- and you aren't even able to do a small payment.

4 MR. DUNGAN: Uh-huh.

5 MS. BARNETT: And I told you can even do
6 \$25 just to stop any collection activity.

7 MR. DUNGAN: And -- and, once again, I'll
8 ask you what -- what is further collection activity?
9 Continued harassment, calling me every day and
10 asking --

11 MS. BARNETT: Up to my client, sir. I have
12 to let you know the purpose of the call was an attempt
13 to collect a debt. Any information obtained will be
14 used for that purpose.

15 MR. DUNGAN: Okay.

16 MS. BARNETT: I'll go ahead and note your
17 account accordingly. Have a good day.

18 MR. DUNGAN: You do the same. Thank you.

19 Call ended at 12:59 p.m. Once again, it is
20 Friday, September 26th, 2008. The call ended at 12:59
21 p.m.

22 **SEPTEMBER 27, 2008 - 8:44 A.M.**

23 (Phone ringing)

24 MR. DUNGAN: Hello.

25 RECORDING: Hello. This is an important

1 call for Boyd Dungan. If this is Boyd Dungan, please
2 press one now. To place this call on hold to allow
3 time for this person to come to the phone, please press
4 two.

5 (One beep heard)

6 RECORDING: This call is on hold. Please
7 press any key on your telephone keypad to hear this
8 important message.

9 MR. DUNGAN: Saturday, September 27th,
10 2008, 8:44 a.m.

11 RECORDING: This call is on hold.

12 (One beep heard)

13 RECORDING: Hello. This is an important
14 call for Boyd Dungan. If this is Boyd Dungan, please
15 press one now.

16 (One beep heard)

17 RECORDING: Please hold while we connect
18 you to a representative.

19 Hello. This is not a sale's solicitation.
20 Please stay on the line for the first available rep --

21 MS. ADAMS: Hi, is this Boyd Dungan?

22 MR. DUNGAN: Hi.

23 MS. ADAMS: Hi, sir. How are you today?

24 MR. DUNGAN: I'm all right.

25 MS. ADAMS: Okay. My name is Carla. I'm

1 calling from MRS Associates.

2 MR. DUNGAN: Okay. And what -- your name
3 is Carla what?

4 MS. ADAMS: My name is Carla. I'm calling
5 from MRS Associates.

6 MR. DUNGAN: And what's your last name?

7 MS. ADAMS: My last name is Adams. My
8 first name is Carla.

9 MR. DUNGAN: Okay. And you said you work
10 for what company?

11 MS. ADAMS: MRS Associates.

12 MR. DUNGAN: Okay. And this is in regard
13 to what?

14 MS. ADAMS: This is in regards to your
15 Washington Mutual Account.

16 MR. DUNGAN: Okay. And the account number
17 is?

18 MS. ADAMS: 12231330.

19 MR. DUNGAN: Okay. How may I help you
20 today?

21 MS. ADAMS: Okay. Mr. Dungan, we were
22 giving you a call in reference to this account. By
23 law, I have to inform you that the calls are monitored
24 and recorded for quality assurance, as well as being an
25 attempt to collect a debt. Any information obtained

1 will be used for that purpose.

2 There's a past due balance on this account
3 for \$6,261.41. And the purpose of this call today is
4 to set up arrangements on this account to get it
5 resolved.

6 MR. DUNGAN: Okay. Well, I can't pay.

7 MS. ADAMS: Okay. And why is that?

8 MR. DUNGAN: I can't pay.

9 MS. ADAMS: And why is that?

10 MR. DUNGAN: Ma'am, I'm not obligated to
11 discuss my personal business with you.

12 MS. ADAMS: It's my client's business. You
13 owe them \$6,000.

14 MR. DUNGAN: Well, I've already answered
15 your question. I can't pay.

16 MS. ADAMS: And why can't you pay,
17 Mr. Dungan?

18 MR. DUNGAN: Ma'am, I've already answered
19 that question. I have a question. How much did LVNV
20 pay for this account?

21 MS. ADAMS: Sir, I'm not aware of that.

22 MR. DUNGAN: Oh, okay.

23 MS. ADAMS: Okay. So the question again
24 is, why can't you pay for it? Why can't you make any
25 payments towards your account?

1 MR. DUNGAN: Ma'am, let me ask you another
2 question. What do you call it when a company calls an
3 individual every day and asks them the same question
4 over and over again?

5 MS. ADAMS: It's called --

6 MR. DUNGAN: And des -- and despite the
7 fact that that individual has answered that question
8 over and over again, the company still continues to
9 call that individual every day and continues to ask the
10 same question over and over and over again?

11 MS. ADAMS: Okay. But, sir, this bill is
12 due over and over until it's paid.

13 MR. DUNGAN: Okay. Well, you know, and --
14 and then, also, during the course of these
15 conversations the company notifies the individual that
16 they will continue to call every day and answer the
17 question -- same question -- or ask the same question
18 over and over again. You know, I call that harassment
19 and the threat of continued harassment.

20 MS. ADAMS: Okay. Well --

21 MR. DUNGAN: Because I've answered this
22 question several times. How many times do I have to
23 answer the question? I can't pay.

24 MS. ADAMS: Okay. But the question was,
25 why can't you pay? You never -- you have never

1 answered that question --

2 MR. DUNGAN: Ma'am, once again, I will tell
3 you that I'm not obligated to discuss my personal
4 business with you.

5 MS. ADAMS: Mr. Dungan, you are obligated.
6 You owe --

7 MR. DUNGAN: No, ma'am, I'm not.

8 MS. ADAMS: -- my client \$6,000.

9 MR. DUNGAN: Okay. Well, you know, I've
10 told you I can't pay. So --

11 MS. ADAMS: Okay. So I'll say to you that
12 the collection efforts will continue.

13 MR. DUNGAN: Okay. What do you mean by
14 that? What further collection efforts?

15 MS. ADAMS: The collection efforts will
16 continue until the debt is resolved.

17 MR. DUNGAN: Okay. What collection
18 efforts?

19 MS. ADAMS: Okay. Meaning to collect on
20 this account we will continue to get resolution on it.
21 Or I can forward it back with the recommendation that
22 they do whatever they feel necessary to get the balance
23 from you.

24 MR. DUNGAN: And what do you think that
25 would be?

1 MS. ADAMS: I'm not sure what the
2 client -- the path that the client would take. That
3 would be my recommendation --

4 MR. DUNGAN: Okay. So --

5 MS. ADAMS: -- for not cooperating.

6 MR. DUNGAN: So you're telling me that --
7 that further collection activities are going to
8 continue, which means you're going to continue to
9 attempt to harass me by calling me every day and asking
10 me the same question over and over again?

11 MS. ADAMS: Nobody's harassing you. You
12 owe a debt, okay. That's not harassment.

13 MR. DUNGAN: It's not?

14 MS. ADAMS: It's not.

15 MR. DUNGAN: All right. Then let me ask
16 you this question. If I was to call you at home every
17 day and ask you the same question over and over again,
18 what would your -- what would your course of action be?
19 You would probably sue me for harassment, wouldn't you?

20 MS. ADAMS: Sir, this is not about me. I
21 don't owe this money; you do.

22 MR. DUNGAN: Okay. Well, I can't pay,
23 so --

24 MS. ADAMS: Well, my -- my personal feeling
25 about --

1 MR. DUNGAN: -- where are we at?

2 MS. ADAMS: -- this account is irrelevant.
3 We're talking about how you're going to take care of
4 this. You say you can't pay.

5 MR. DUNGAN: That's right. So what are we
6 going to do now?

7 MS. ADAMS: Okay. We're going to discuss
8 options on how you can pay.

9 MR. DUNGAN: Well, I can't pay, so,
10 obviously, there are no options.

11 MS. ADAMS: Okay. And you never once
12 disclosed why you cannot pay the bill.

13 MR. DUNGAN: I can't -- I keep having to
14 answer the same question over and over again, don't I?

15 MS. ADAMS: Okay. If you would have
16 answered it the first time, I wouldn't ask it again.

17 MR. DUNGAN: Well --

18 MS. ADAMS: However, I can't --

19 MR. DUNGAN: Well, if I -- if I -- if I
20 didn't answer it the first time, do you think that
21 continual -- continually asking the same question is
22 going to garner an answer? Is that really going to be
23 effective for you? How's that working out?

24 MS. ADAMS: Okay. Mr. Dungan, if you're
25 not going to be cooperative, why -- why are we

1 continuing this conversation?

2 MR. DUNGAN: I don't know. If you'd like
3 to terminate the call, please feel free to do so.

4 MS. ADAMS: I'm not going to terminate the
5 call. I'm doing my job. You can terminate the call,
6 and I'll mark it as a refusal and forward it back.

7 That --

8 MR. DUNGAN: No, ma'am.

9 MS. ADAMS: -- is completely fine with me.

10 MR. DUNGAN: No, ma'am, I'm not -- I'm not
11 refusing anything. I'm not refusing to cooperate with
12 you.

13 MS. ADAMS: Per -- per the terms --

14 MR. DUNGAN: I'm not refusing to --

15 MS. ADAMS: -- of your legal binding
16 contract you're --

17 MR. DUNGAN: -- answer any questions. I
18 simply can't pay.

19 MS. ADAMS: -- (unintelligible).

20 MR. DUNGAN: Huh?

21 MS. ADAMS: I said per the terms of your
22 legal binding contract, you are refusing to cooperate.
23 At any point in time when your account went into
24 default, you agreed to pay the balance in full
25 immediately. I mean, if you wanted to make small

1 payments, (unintelligible) done that when the account
2 was current.

3 (Long pause)

4 MS. ADAMS: Okay. Mr. Dungan, so I'll go
5 ahead and mark this as a refusal to cooperate,
6 rejecting any payment arrangements, and a refuse to
7 uphold your card by their agreement. And I'll just
8 forward it back to the client, and they'll do whatever
9 they deem necessary to get the balance in full from
10 you. Okay?

11 MR. DUNGAN: Okay. And -- and what would
12 that be? I'll ask it again since we seem to be asking
13 the same questions over and over again.

14 MS. ADAMS: That was not a question. That
15 was a statement. I'm going to make a recommendation --

16 MR. DUNGAN: Well, I ask -- I ask -- I ask
17 you a question, what would be their recourse, what are
18 they going to do?

19 MS. ADAMS: I've told you that's up to
20 them.

21 MR. DUNGAN: Oh.

22 MS. ADAMS: I don't what they would feel,
23 but, I mean --

24 MR. DUNGAN: Okay.

25 MS. ADAMS: Sir, I'm just going to go ahead

1 and terminate the call. We're getting nowhere.

2 MR. DUNGAN: Uh, obviously.

3 MS. ADAMS: Obviously, okay. Calls will
4 continue, okay?

5 MR. DUNGAN: Oh, so what -- what does that
6 mean, calls will continue?

7 MS. ADAMS: Sir, that's self-explanatory.
8 Calls will continue.

9 MR. DUNGAN: So that means you're going to
10 continue to attempt to harass me by calling me every
11 day and asking me the same question over --

12 MS. ADAMS: You owe a debt.

13 MR. DUNGAN: Huh?

14 MS. ADAMS: You owe a debt. It's not
15 harassment.

16 MR. DUNGAN: Oh, really?

17 MS. ADAMS: I mean, if this bill was paid,
18 you wouldn't get the calls. I mean, it's just that
19 simple.

20 MR. DUNGAN: Uh-huh.

21 MS. ADAMS: Do you have any questions?

22 MR. DUNGAN: Well, it really wouldn't
23 matter if I did because you're not going to answer them
24 anyways, huh?

25 MS. ADAMS: No, I'll answer any questions

1 you want. Come on.

2 MR. DUNGAN: Really?

3 MS. ADAMS: Yeah, go ahead.

4 MR. DUNGAN: Okay. No, I (unintelligible).

5 MS. ADAMS: Okay. That's fine. You have a
6 great weekend.

7 MR. DUNGAN: You do the same thing. Thank
8 you.

9 MS. ADAMS: Thank you. Have a good day.

10 MR. DUNGAN: Bye-bye.

11 MS. ADAMS: Bye.

12 MR. DUNGAN: Call ended at 8:52 a.m. Once
13 again, it's Saturday, September 27th, 2008, 8:52 a.m.

14 **SEPTEMBER 30, 2008 - 10:21 A.M.**

15 RECORDING: Hello. This is an important
16 call for Boyd Dungan. If this is Boyd Dungan, please
17 press one now. To place this call on hold to allow
18 time for this person to come to the phone, please press
19 two.

20 (One beep heard)

21 RECORDING: This call is on hold. Please
22 press any key on your telephone keypad to hear this
23 important message.

24 MR. DUNGAN: Tuesday, September 30th, 2008,
25 10:21 a.m.

1 RECORDING: This call is on hold. Please
2 press any key --

3 (One beep heard)

4 RECORDING: Hello. This is an important
5 call for Boyd Dungan. If this is Boyd Dungan, please
6 press one now. To place this --

7 (One beep heard)

8 RECORDING: Please hold while we connect
9 you to a representative.

10 Hello.

11 MR. FIELDS: MRS, may I help you?

12 MR. DUNGAN: Hello.

13 MR. FIELDS: Yes, Don Fields. May I help
14 you?

15 MR. DUNGAN: Yeah, somebody called me.

16 MR. FIELDS: We're trying to reach a Boyd
17 Dungan.

18 MR. DUNGAN: Yeah, this is Boyd.

19 MR. FIELDS: Boyd, let me advise you this
20 is an attempt to collect a debt. Any information
21 obtained used for that purpose. Our call monitored.
22 It is recorded for quality assurance.

23 Say someone just talked to you a couple of
24 days ago in regards to a Washington Mutual account.

25 MR. DUNGAN: What did you say your name was

1 again, please?

2 MR. FIELDS: Don Fields.

3 MR. DUNGAN: And you're with who?

4 MR. FIELDS: MRS Associates.

5 MR. DUNGAN: And you're calling in -- in
6 regard to what?

7 MR. FIELDS: Washington Mutual Providian.

8 MR. DUNGAN: And the account number is?

9 MR. FIELDS: I'm trying to get the
10 information, sir.

11 MR. DUNGAN: Okay.

12 MR. FIELDS: Okay. Are you still residing
13 at 2920 --

14 MR. DUNGAN: I decline to answer --

15 MR. FIELDS: -- Shalako Drive?

16 MR. DUNGAN: I decline to answer that
17 question.

18 MR. FIELDS: Okay. Then I'm not sure who
19 I'm talking to. Even though you're on a recorded line,
20 you said you were Boyd Dungan?

21 MR. DUNGAN: That's correct. Well, you're
22 asking me to verify sensitive personal information over
23 the telephone, and I have no way of verifying that you
24 are who you say you are.

25 MR. FIELDS: Okay. I wouldn't --

1 MR. DUNGAN: In this day and --

2 MR. FIELDS: I'm on a recorded line, sir, I
3 wouldn't make it up.

4 MR. DUNGAN: In this day and age of
5 identity theft, it would be extremely foolish for me to
6 verify such information over the phone.

7 MR. FIELDS: Your address?

8 MR. DUNGAN: That's sensitive personal
9 information that I'm not going to verify over a
10 telephone line.

11 MR. FIELDS: Okay. You asked me who
12 I -- who I was with. Let me answer that question and
13 be real quick with this conversation.

14 MR. DUNGAN: Okay.

15 MR. FIELDS: (Unintelligible) Associates,
16 sir.

17 MR. DUNGAN: Okay.

18 MR. FIELDS: That's who I'm with.

19 MR. DUNGAN: All right. Well --

20 MR. FIELDS: And you don't recognize the
21 Washington Mutual Providian account although you've
22 talked to three people on different occasions?

23 MR. DUNGAN: Actually, I've talked to a lot
24 more people than that. And that's --

25 MR. FIELDS: I'm being facetious, of

1 course. Go ahead.

2 MR. DUNGAN: Okay. Well, you know,
3 my -- my question is, you know, I've already
4 answered -- you-all have called me numerous times, I've
5 answered your questions. What do you call it when a
6 company calls an individual repeatedly and asks the
7 same question over and over again, and despite the fact
8 that that individual has answered that question over
9 and over again, the company continues to call that
10 person and ask the same question over and over again,
11 and during the course of those conversations that
12 company advises that individual that they will continue
13 to call that individual over and over again and ask the
14 same question over and over again?

15 MR. FIELDS: What do I call that --

16 MR. DUNGAN: I don't know what --

17 MR. FIELDS: Are you asking me a
18 question?

19 MR. DUNGAN: I don't know what you call
20 that, but I call that harassment and the threat of
21 continued threat of harassment. Is that what's going
22 on today? Are you trying to harass me?

23 MR. FIELDS: No, not at all, Boyd. I call
24 that persistence. That's all.

25 MR. DUNGAN: Okay.

1 MR. FIELDS: All this -- all the matter
2 is --

3 MR. DUNGAN: Okay.

4 MR. FIELDS: (Unintelligible) --

5 MR. DUNGAN: Well, you know, a -- a rose by
6 any other name --

7 MR. FIELDS: Sir -- Mr. Dungan, I'm not
8 going to be combative today, and I don't want to banter
9 with you.

10 MR. DUNGAN: Okay.

11 MR. FIELDS: Obviously -- obviously, you
12 don't want to talk about the matter at hand and you
13 want to go and rant and rave about what our company
14 does. I don't have time for that, sir.

15 MR. DUNGAN: Okay.

16 MR. FIELDS: In fact, if we can't come to a
17 resolution in five seconds -- I'm that kind of guy and
18 a gentleman -- I'll terminate the call.

19 MR. DUNGAN: Well, go ahead and
20 term --

21 MR. FIELDS: Okay. If that's going to be
22 the case, I don't want to argue, I don't want to
23 banter, and I don't want to be combative.

24 MR. DUNGAN: Okay.

25 MR. FIELDS: That's my stance. My

1 disposition is to try to help. If you don't want to be
2 helped, you don't want to talk about it, here's what we
3 do. We got five seconds. Either you can terminate the
4 call or I will.

5 MR. DUNGAN: Well, if you'd like to
6 terminate the call, please feel free to do so.

7 MR. FIELDS: You got five seconds, sir.

8 MR. DUNGAN: Why are you counting? I don't
9 understand this.

10 MR. FIELDS: I'm not counting?

11 MR. DUNGAN: What's this five second --

12 MR. FIELDS: Maybe we're getting ready to
13 terminate the call. There's no count involved.

14 MR. DUNGAN: If you want to terminate the
15 call, there's no need to count. And all you have to do
16 is hang up.

17 MR. FIELDS: Okay, sir. Take care.

18 MR. DUNGAN: You have a good day.

19 Call ended at 10:25 a.m. Once again, it's
20 Tuesday, September 30th, 2008. Call ended at 10:25
21 a.m.

22 **OCTOBER 6, 2008 - 8:56 A.M.**

23 MR. DUNGAN: This message was left on my
24 voice mail on Monday, October 6th, 2008, 8:56 a.m.

25 VOICE MAIL RECORDING: First saved message,

1 yesterday, 8:56 a.m.

2 MS. WRIGLEY: Good morning. This message
3 is for Mr. Boyd Dungan. Please contact Mrs. Wrigley at
4 1-888-274-9847. When you contact my office,
5 Mr. Dungan, please reference number 12231330YD. Again,
6 that toll-free number is 1-888-274-9847. When you
7 contact my office, please reference number 12231330YD.

8 Mr. Dungan, I'm calling in regards to a
9 special offer that has been extended to you at this
10 time in my office, and I wanted to give you the details
11 as soon as possible. Perhaps, it's something you can
12 take advantage of at this time. My toll-free number,
13 again, sir, is 1-888-274-9847. For your convenience,
14 my office will be open today, Monday, October 6th,
15 until 8:00 p.m. central standard time. Thank you.

16 MR. DUNGAN: Once again, that message was
17 left on my voice mail on Monday, October 6th, 2008, at
18 8:56 a.m.

19 **OCTOBER 7, 2008 - 9:06 A.M.**

20 RECORDING: Hello. This is an important
21 call for Boyd Dungan. If this is Boyd Dungan, please
22 press one now. To place this call on hold to allow
23 time for this person to come to the phone, please press
24 two.

25 (One beep heard)

1 RECORDING: This call is on hold. Please
2 press any key on your telephone keypad to hear this
3 important message.

4 MR. DUNGAN: Tuesday, October 7th, 9:06
5 a.m.

6 RECORDING: This call --
7 (One beep heard)

8 RECORDING: Hello. This is an important
9 call for Boyd Dungan. If this is Boyd Dungan, please
10 press one now.

11 (One beep heard)

12 RECORDING: Please hold while we connect
13 you to a representative.

14 Hello. This is not a sale's solicitation.

15 JANEECE: Hello, I'm looking for a Boyd
16 Dungan.

17 MR. DUNGAN: This is Boyd.

18 JANEECE: Okay. This is Janeece. How are
19 you doing today, sir?

20 MR. DUNGAN: I'm all right. What was your
21 name again?

22 JANEECE: May name is Janeece.

23 MR. DUNGAN: And your last name, please?

24 JANEECE: I'm not giving you my last name.

25 MR. DUNGAN: Oh, really? Why is that?

1 JANECE: For security purposes.

2 MR. DUNGAN: Oh, okay.

3 JANECE: Okay. My name is Janece. And I
4 do need to let you know the call may be recorded for
5 quality assurance purposes. The purpose of this call
6 is an attempt to collect a debt. Any information
7 obtained will be used for that purpose.

8 MR. DUNGAN: Okay.

9 JANECE: I'm calling from MRS Associates
10 regarding your Washington Mutual Account. Are you
11 familiar with that?

12 MR. DUNGAN: And what's the account number?

13 JANECE: Your Washington Mutual -- our
14 reference number in my office is 12231330.

15 MR. DUNGAN: Okay. How may I help you
16 today?

17 JANECE: Okay. I'm showing that there's a
18 past-due balance in my office of \$6,261,41.

19 MR. DUNGAN: Okay. Well, I can't pay.

20 JANECE: Okay. Well, we're not asking for
21 the balance due in full today.

22 MR. DUNGAN: Okay. Well -- and, also, you
23 know, you-all have called me several times. In fact,
24 numerous times. Well over 20. And I'm going to have
25 to ask that you-all not call me anymore because this is

1 harassment. I've ans -- I've answered --

2 JANECE: (Unintelligible) called
3 you --

4 MR. DUNGAN: I've answered this question
5 several times.

6 JANECE: Until you get payment set up in
7 our office to start taking care of the debt, I can't do
8 anything about the calls.

9 MR. DUNGAN: Oh, really?

10 JANECE: For calls to stop, you
11 need -- we need to set up some type of arrangements in
12 my office.

13 MR. DUNGAN: Okay. Well, I've told you I
14 can't pay. And you keep asking me that -- anybody who
15 calls me keeps asking me that same question. I've
16 already answered that question on numerous occasions.
17 This is becoming harassment. I'm going to ask that
18 you-all stop calling me.

19 JANECE: It's not. You owe my client a
20 debt. So the calls will continue until you get some
21 type of arrangement set up in the office.

22 MR. DUNGAN: Okay. So when you say calls
23 will continue, that means that you're going to continue
24 to attempt to harass me; is that correct?

25 JANECE: That means that the collection

1 activities will continue until you set up some type of
2 arrangements in my office.

3 MR. DUNGAN: Okay. And when you say
4 collection activities will continue, what does that
5 mean?

6 JANECE: Collection activity will
7 continue. That's what it means.

8 MR. DUNGAN: Well, can you explain that any
9 farther, please?

10 JANECE: It's self-explanatory, sir. Are
11 you going to start taking care of your account. Are
12 you --

13 MR. DUNGAN: Well, what -- what -- no, it's
14 really not. What -- what do collection activities
15 consist of? Does that mean calling me every day and
16 continuing to attempt to harass me even though I've
17 answered your question on numerous occasion? Is that
18 what that means?

19 JANECE: It's saying that -- that you have
20 not -- this amount has now been charged off your credit
21 report. It's showing as a delinquent status, which is
22 the worst possible status to have showing on your
23 credit.

24 MR. DUNGAN: You're telling me this has not
25 been charged off my credit?

1 JANECE: It has. Washington Mutual
2 sold --

3 MR. DUNGAN: Oh.

4 JANECE: -- your debt to a debt buyer,
5 which is LVNV Funding.

6 MR. DUNGAN: Okay. And how much did LVNV
7 pay for this account?

8 JANECE: I mean, is that -- I mean, what
9 does that matter, sir? How much are you going to pay
10 on this account?

11 MR. DUNGAN: No, I would like -- I just
12 asked a question. I would like to know how much LVNV
13 paid for the account.

14 JANECE: Sir, are you going to start
15 taking care of the debt or not? That doesn't matter.

16 MR. DUNGAN: Certainly it does. Sure it
17 does. It's very relevant because I have a feeling that
18 the amount -- the amount they paid for it is a lot less
19 than what they're asking for. So it is relevant. Yes,
20 it is.

21 JANECE: Are you just stalling, sir,
22 because you're -- you're not going to pay?

23 MR. DUNGAN: No, ma'am. I -- I've already
24 answered the question. I can't pay.

25 JANECE: Okay. Are you -- who's helping

1 you pay the phone bill?

2 MR. DUNGAN: Ma'am, I don't -- I'm not
3 obligated to discuss my personal situation or my
4 personal business with you.

5 JANECE: Well, you owe my client a debt in
6 the office. And the question is, why aren't you able
7 to pay my client, but you're able to pay your phone
8 bill, possibly your rent, your electric bill, buy
9 groceries, but you can't start paying back my client?

10 MR. DUNGAN: I've answered that question.
11 I can't pay. Now, if -- if there's nothing else --

12 JANECE: So what I'll do is I'll mark the
13 account as a refusal to cooperate, a rejection --

14 MR. DUNGAN: No. Ma'am, that's corr --
15 that's incorrect, also. I'm not refusing to cooperate,
16 I'm not refusing to pay. I simply can't pay.

17 JANECE: It's a refusal, sir.

18 MR. DUNGAN: Well, whatever. I mean,
19 you -- you --

20 JANECE: Do you have any questions?

21 MR. DUNGAN: You can --

22 JANECE: So I'll mark the account as a
23 refusal to cooperate, a rejection of settlement, and a
24 refusal to honor the cardholder agreement. Make my
25 recommendation to the client that they do whatever they

1 deem necessary to get the balance in full and any
2 additional fees.

3 MR. DUNGAN: Okay. And what would that be?

4 JANECE: Whatever they choose to do.

5 MR. DUNGAN: Okay.

6 JANECE: Do you have anymore questions?

7 MR. DUNGAN: No. But I would like to make
8 the statement -- once again, I'm going to ask that
9 you-all not call me anymore.

10 JANECE: Calls will continue until you
11 make some type of arrangements on the account.

12 MR. DUNGAN: Okay. Thank you.

13 JANECE: Have a good day.

14 MR. DUNGAN: You do the same.

15 Call ended at 9:11 a.m. Once again, it is
16 Tuesday, October 7th, 2008. Call ended at 9:11 a.m.

17 **OCTOBER 12, 2008 - 6:32 P.M.**

18 MR. DUNGAN: Hello.

19 RECORDING: Hello. This is an important
20 call for Boyd Dungan. If this is Boyd Dungan, please
21 press one now. To place this call on hold to allow
22 time for this person to come to the phone, please press
23 two.

24 (One beep heard)

25 RECORDING: This call is on hold. Please

1 press any key on your telephone keypad to hear this
2 important message.

3 MR. DUNGAN: Sunday, October 12th, 2008,
4 6:32 p.m.

5 RECORDING: This call is on hold, please
6 press any key on your --

7 (One beep heard)

8 RECORDING: Hello. This is an important
9 call for Boyd Dungan. If this is Boyd Dungan, please
10 press one now.

11 (One beep heard)

12 RECORDING: Please hold while we connect
13 you to a representative.

14 Hello.

15 MR. TURNER: Hi, Boyd.

16 MR. DUNGAN: Yeah, hello.

17 MR. TURNER: Boyd Dungan, hi. My name is
18 Mr. Turner. I'm contacting you from MRS Associates in
19 regards to your documents here in my office.

20 MR. DUNGAN: Yes, sir.

21 MR. TURNER: Really quick, let me let you
22 know our calls could be monitored and recorded for
23 quality assurance. And the purpose of my calls are an
24 attempt to collect on a debt. Any information obtained
25 is used for that purpose.

1 MR. DUNGAN: Okay.

2 MR. TURNER: Okay. In regards to your LVNV
3 Funding account, better known as your Washington Mutual
4 account.

5 MR. DUNGAN: Okay. You said your name was
6 what?

7 MR. TURNER: Mr. Turner.

8 MR. DUNGAN: And you're with what company?

9 MR. TURNER: MRS Associates.

10 MR. DUNGAN: And this is in regard to what?

11 MR. TURNER: Your Washington Mutual
12 Account.

13 MR. DUNGAN: And the account number is?

14 MR. TURNER: The original card number is
15 4185860419125402. The past due amount is \$6,261.41.
16 Contacting you to find out what your intentions are in
17 getting this resolved prior to making any harsh
18 decisions against you at this time.

19 MR. DUNGAN: Okay. Well, I can't pay. And
20 you-all have called me -- this makes about well over 30
21 times you-all have called. And I've answered this
22 question several times. I'm going to have to ask that
23 you-all stop calling me because this is nothing more
24 than harassment.

25 MR. TURNER: Okay. That's not how it

1 works, sir. You do have to indicate that in writing.
2 Basically, we have not received that, so you do owe the
3 debt. Which is still not going to resolve anything.
4 But, I mean, if you choose not to get it resolved, I'll
5 go ahead and make the recommendation for my client to
6 go ahead and proceed in any way they deem necessary to
7 get the balance in full. And you are refusing to
8 cooperate and refusing on your cardholder agreement.

9 MR. DUNGAN: No. No, I'm not refusing to
10 cooperate, I'm not refusing to pay. I simply can't
11 pay. I've answered that question several times.

12 What do you mean by further collection
13 activities?

14 MR. TURNER: Whatever they deem necessary
15 to get the balance in full.

16 MR. DUNGAN: And what would that be?

17 MR. TURNER: It -- it -- I -- we don't care
18 to speculate at this time.

19 MR. DUNGAN: Okay.

20 MR. TURNER: That is up to my client's
21 discretion. So, I mean, if that's what you want me to
22 go ahead and do, I will go ahead and make that
23 recommendation. But the further collection activity
24 will continue as well as the calls will continue.

25 MR. DUNGAN: Okay. So I've asked you not

1 to call, but now you're telling me that the calls will
2 continue. So what does that mean?

3 MR. TURNER: I've already answered that
4 question.

5 MR. DUNGAN: So that means you're going to
6 continue to attempt to harass me by calling my every
7 day even though I've asked you not to?

8 MR. TURNER: It's not harassment, Boyd.

9 MR. DUNGAN: Yes.

10 MR. TURNER: You owe a debt in my office.
11 We're to call you --

12 MR. DUNGAN: But -- now, wait a minute.

13 MR. TURNER: -- until we get it resolved.

14 MS. DUNGAN: Now, hang on a second. It is
15 harassment because you're calling me every day after
16 I've told you I can't pay. If I were -- if I were to
17 call you every day at your house and ask you the same
18 question repeatedly, what would you do? You would
19 probably --

20 MR. TURNER: I would make some -- an
21 attempt --

22 MR. DUNGAN: You would probably --

23 MR. TURNER: -- to make it right to get the
24 phone calls to stop.

25 MR. DUNGAN: You would probably try to sue

1 me for harassment.

2 MR. TURNER: No.

3 MR. DUNGAN: Oh, really? Why don't you
4 give me your home phone number?

5 MR. TURNER: (Unintelligible) to get the
6 calls to stop --

7 MR. DUNGAN: All right. Let's --

8 MR. TURNER: -- (unintelligible) start
9 making some payments.

10 MR. DUNGAN: Mr. Turner, let me have your
11 home phone number; I'll start calling you every day.

12 MR. TURNER: That's not valid or void at
13 this point in time.

14 MR. DUNGAN: Really?

15 DANIELLE: (Unintelligible). This is
16 Danielle. This is the Operation's Manager. Is there
17 anything you have to go ahead and contribute to
18 resolving this debt today?

19 MR. DUNGAN: I've already answered that
20 question. I can't pay.

21 DANIELLE: Okay. Well, then the calls will
22 continue, sir. We've given you options on how to get
23 the calls to cease, and you are refusing to do either
24 one of those, so the calls will continue.

25 MR. DUNGAN: Oh, I haven't refused

1 anything. I simply can't pay. And you -- what you're
2 telling me is, basically -- you know, it's -- it's
3 harassment and a threat of continued harassment is,
4 basically, what you-all are doing here.

5 DANIELLE: No, sir. We're not threatening
6 to continue to --

7 MR. DUNGAN: Yes, because you keep telling
8 me --

9 DANIELLE: It's not harassment.

10 MR. DUNGAN: You call -- you keep telling
11 me --

12 DANIELLE: This has happened because you're
13 not going to do anything to resolve the -- the issue.

14 MR. DUNGAN: Well --

15 DANIELLE: There's a difference.

16 MR. DUNGAN: No. Well, a rose by any other
17 name. You know, it is harassment and it's the threat
18 of continued harassment because you-all are telling me
19 calls will continue. That's a threat.

20 DANIELLE: No, it's not, sir.

21 MR. DUNGAN: Sure it is.

22 DANIELLE: It's not a threat.

23 MR. DUNGAN: I've -- I've asked you-all not
24 to call. I'm going to make that statement again. I'm
25 going to ask you-all not to call anymore.

1 DANIELLE: I'm going to inform you that the
2 collection activity will continue.

3 MR. DUNGAN: Oh, what does that mean?

4 DANIELLE: The -- that collection activity
5 will continue?

6 MR. DUNGAN: Yes, ma'am. What does that
7 mean?

8 DANIELLE: We will continue to contact you
9 via mail and via phone -- via phone.

10 MR. DUNGAN: Okay. So harassment
11 activities will continue?

12 DANIELLE: If you -- if you like to say
13 harassment, sir, that's fine. Feel free.

14 MR. DUNGAN: Okay.

15 DANIELLE: It's not harassment.

16 MR. DUNGAN: Okay.

17 DANIELLE: We've given you both options as
18 to stop the calls. If you'd like to take advantage of
19 either of those, you've been informed on how.

20 MR. DUNGAN: Okay.

21 DANIELLE: So I'm going to go ahead and
22 terminate the call, sir. We'll talk to you later.
23 Have a nice day.

24 MR. DUNGAN: You do the same. Thank you.

25 Call ended 6:37 p.m. Once again, it is

1 Sunday, October 12th, 2008. Call ended at 6:37 p.m.

2 **OCTOBER 13, 2008 - 12:57 P.M.**

3 RECORDING: ...Dungan. If this is Boyd
4 Dungan, please press one now. To place this call on
5 hold to allow time for this person to come to the
6 phone, please press two.

7 (One beep heard)

8 RECORDING: This call is on hold. Please
9 press any key on your telephone keypad to hear this
10 important message.

11 MR. DUNGAN: Monday, October 13th, 2008,
12 12:57 p.m.

13 RECORDING: This call is on hold, please
14 press --

15 (One beep heard)

16 RECORDING: Hello. This is an important
17 call for Boyd Dungan.

18 (One beep heard)

19 RECORDING: If this is Boyd Dungan, please
20 press one now.

21 (One beep heard)

22 RECORDING: Please hold while we connect
23 you to a representative.

24 Hello.

25 MR. TURNER: Hello. Is Boyd in, please.

1 MR. DUNGAN: This is Boyd.

2 MR. TURNER: Hi, how are you doing, Mr. --
3 is it Dung -- is it Dunnagan or Duncan?

4 MR. DUNGAN: Dungan with a G.

5 MR. TURNER: Okay. (Unintelligible).

6 RECORDING: Just a moment. We'll be right
7 with you.

8 (Long pause)

9 MR. TURNER: MRS Associates. Mr. Turner
10 speaking. How can I help you?

11 MR. DUNGAN: Oh, Mr. Turner, somebody
12 called me.

13 MR. TURNER: Okay. Is this Boyd?

14 MR. DUNGAN: Yes.

15 MR. TURNER: Boyd Dungan?

16 MR. DUNGAN: Yes.

17 MR. TURNER: Okay. We're contacting you in
18 regards to the documents here in the office.

19 MR. DUNGAN: Okay. Didn't we speak
20 yesterday?

21 MR. TURNER: Uh-huh.

22 MR. DUNGAN: Okay.

23 MR. TURNER: Yep. And really quick, I got
24 to let you know again that our calls are monitored and
25 recorded for quality assurance. The purpose of the

1 calls are an attempt to collect on a debt. Any
2 information obtained is used for that purpose.

3 In regards to the Washington Mutual
4 account --

5 MR. DUNGAN: Okay.

6 MR. TURNER: -- as to the amount of
7 \$6,261.41.

8 MR. DUNGAN: Your name was again?

9 MR. TURNER: Mr. Turner.

10 MR. DUNGAN: And you represent what
11 company?

12 MR. TURNER: MRS Associates.

13 MR. DUNGAN: And this is in regard to what?

14 MR. TURNER: Washington Mutual.

15 MR. DUNGAN: And the account number?

16 MR. TURNER: The account number here in my
17 office is 12231330.

18 MR. DUNGAN: Okay. How may I help you
19 today?

20 MR. TURNER: Okay. We can talk about on
21 how we're going to get this matter resolved.

22 MR. DUNGAN: Okay. Well, I thought we
23 spoke about this yesterday.

24 MR. TURNER: Uh-huh. And we advised you
25 that calls will continue as well as the collection

1 activity will continue.

2 MR. DUNGAN: All right. I have another
3 question about this.

4 MR. TURNER: Uh-huh.

5 MR. DUNGAN: Okay. You says -- you say
6 this is in regard to my Washington Mutual account.

7 MR. TURNER: Yep, your Washington Mutual
8 Visa ending in 5402.

9 MR. DUNGAN: Okay. Well, you know, I had
10 somebody calling the other day also, and they said that
11 LVNV bought this debt.

12 MR. TURNER: Correct.

13 MR. DUNGAN: So --

14 MR. TURNER: They are a debt-buying agency,
15 and they had purchased this debt from Washington
16 Mutual.

17 MR. DUNGAN: Actually, I should say the
18 alleged debt because if Washington Mutual has sold it,
19 then that -- that account that you're referencing no
20 longer exists, correct?

21 MR. TURNER: It does exist.

22 MR. DUNGAN: Really?

23 MR. TURNER: It is a Washington Mutual
24 debt.

25 MR. DUNGAN: Well, I was told -- I was told

1 that -- I was told that Washington Mutual charged it
2 off. So when they charge something off, they probably
3 receive some kind of insurance settlement or something
4 on it, don't they?

5 MR. TURNER: No.

6 MR. DUNGAN: Really?

7 MR. TURNER: Incorrect.

8 MR. DUNGAN: Incorrect. Okay.

9 Well -- all right.

10 MR. TURNER: But the fact of the matter at
11 hand is how we're going to get this resolved.

12 MR. DUNGAN: Okay. Well, I -- I believe I
13 answered that question yesterday, and I told you I
14 can't pay.

15 MR. TURNER: It's not that you can't pay;
16 it's that you're refusing to pay.

17 MR. DUNGAN: No, sir. I -- what
18 did -- I just said that I can't pay. I didn't say that
19 I was refusing.

20 MR. TURNER: You're paying for the phone
21 that you're talking on right now. You're paying for
22 the house that you're living in.

23 MR. DUNGAN: How do -- how do -- how do you
24 know that? Do you know my whole financial situation?
25 Do you know who is paying my bills? Are you for sure

1 about what you're stating here?

2 MR. TURNER: Yeah, I'm looking at your
3 credit report now.

4 MR. DUNGAN: Oh, okay.

5 MR. TURNER: I can tell you everything that
6 is being paid, everything that is current.

7 MR. DUNGAN: Okay. And you're sure that
8 I'm paying for these things? They're -- they're in my
9 name, evidently, and they're being paid for. Are you
10 sure that the funds are coming from me personally?

11 MR. TURNER: No.

12 MR. DUNGAN: Okay. Well -- well,
13 you -- you just said --

14 MR. TURNER: Everything is still being
15 paid --

16 MR. DUNGAN: You -- you -- you just --

17 MR. TURNER: -- regardless of who's paying
18 it.

19 MR. DUNGAN: You just said --

20 MR. TURNER: Everything is going on.
21 Incorrect?

22 MR. TURNER: You just said that I was
23 paying for it. So you, really, have no way of making
24 that statement with any voracity, do you?

25 MR. TURNER: They're getting paid somehow.

1 MR. DUNGAN: Okay.

2 MR. TURNER: Whether it's from you, a
3 spouse, family, friends.

4 MR. DUNGAN: Okay.

5 MR. TURNER: Somebody is paying for this
6 stuff.

7 MR. DUNGAN: Okay. Well, my answer
8 remains. I've answered --

9 MR. TURNER: As you're refusing to
10 cooperate, refusing to pay?

11 MR. DUNGAN: No, sir, I'm not --

12 MR. TURNER: Obviously, as I've stated to
13 you previously, that everything else is being paid.

14 MR. DUNGAN: I am not --

15 MR. TURNER: So, therefore, I mean, you are
16 in breach of a contract -- a legal binding contract. I
17 mean, either you are refusing to pay or you're just
18 choosing not to pay this creditor.

19 MR. DUNGAN: No, I'm not refusing to
20 cooperate, I'm not refusing to pay, I simply cannot
21 pay.

22 MR. TURNER: Okay. So let's go ahead and
23 get out the checkbook and let's start to get this
24 resolved.

25 Sir, we had already advised you in order

1 for the collection activity to stop, you need to make
2 some partial payments to getting this resolved.

3 MR. DUNGAN: You're a funny guy. Well, you
4 know --

5 MR. TURNER: I'm glad that you're taking it
6 seriously.

7 MR. DUNGAN: You know, we discussed this
8 yesterday, too. I've answered --

9 MR. TURNER: We sure did. And we already
10 advised you --

11 MR. DUNGAN: Yeah.

12 MR. TURNER: -- the calls will continue
13 until such time --

14 MR. DUNGAN: Yeah, uh-huh. In other words,
15 you're going to continue to attempt to harass me. And
16 that's exactly what this is.

17 MR. TURNER: Like I said, you owe a debt.

18 MR. DUNGAN: And I'm going to have to
19 ask you again not to call me anymore.

20 MR. TURNER: And we've already told you
21 that (unintelligible) --

22 MR. DUNGAN: This is harassment plain and
23 simple, yes. And you keep threatening me --

24 MR. TURNER: (Unintelligible) the calls
25 will continue.

1 MR. DUNGAN: You keep threatening me with
2 further harassment. That's all you're doing. When you
3 say -- when you keep saying calls will continue --

4 MR. TURNER: Calls are not a threat, sir.

5 MR. DUNGAN: Yes, it is. It is a threat.

6 MR. TURNER: We are allowed to contact you
7 until we can get this resolved. Until the client takes
8 it back into their hand to do whatever they deem
9 necessary --

10 MR. DUNGAN: And what would that be?

11 MR. TURNER: That would be to get the
12 balance in full.

13 MR. DUNGAN: And what would that be?

14 MR. TURNER: We don't care to speculate.
15 It's not -- it's not my debt.

16 MR. DUNGAN: Okay.

17 MR. TURNER: It is my client's.

18 MR. DUNGAN: Okay.

19 MR. TURNER: So, Mr. Dungan, do you want to
20 go ahead and get out your checkbook now and -- so that
21 we can start to get this resolved? Why -- why
22 aren't -- haven't you called your family yet?

23 MR. DUNGAN: Do you --

24 MR. TURNER: Have you called Danny?

25 MR. DUNGAN: Do you -- do you have --

1 MR. TURNER: -- Heather or Camille?

2 MR. DUNGAN: Sir, has your hearing been
3 checked recently because I'm -- I've told you on
4 numerous occasions I can't pay? How many times do I
5 have to answer that question?

6 MR. TURNER: That -- that wasn't my
7 question.

8 MR. DUNGAN: It wasn't your question?

9 MR. TURNER: Why haven't you contacted your
10 relatives yet --

11 MR. DUNGAN: Why haven't I --

12 MR. TURNER: -- for help?

13 MR. DUNGAN: -- contacted my relatives yet?

14 MR. TURNER: If you're not paying a bill,
15 somebody's helping you pay it.

16 MR. DUNGAN: Wow. Wow.

17 MR. TURNER: Yeah, I listen very well. So,
18 obviously, if you're not paying it, somebody else is
19 paying it for you. Why don't you go ahead and ask
20 them? I can hold, or we can call them on three-way for
21 you.

22 MR. DUNGAN: You want to contact my
23 relatives?

24 MR. TURNER: Whoever is helping you pay
25 your bills. Do you prefer just to get out your

1 checkbook now so we can start making efforts to get
2 this resolved?

3 Are you still at this 2920 Shalako Drive at
4 Ft. Worth, Texas?

5 MR. DUNGAN: Well, you know, you're asking
6 me --

7 MR. TURNER: Is that correct?

8 MR. DUNGAN: With that question, you're
9 asking me to verify sensitive personal information.
10 I'm not going to do that over the telephone.

11 MR. TURNER: It's not sensitive or
12 personal.

13 MR. DUNGAN: Yes, it is.

14 MR. TURNER: I have all your information on
15 record.

16 MR. DUNGAN: Well, then why are you asking?
17 If you have the information, why are you asking me
18 these questions?

19 MR. TURNER: Just to verify we have sent
20 the right correspondence to you, that you have received
21 those, and there is no reason to say that you didn't
22 receive anything.

23 MR. DUNGAN: Hm.

24 MR. TURNER: And that you do -- are
25 educated well and informed as a debt.

1 MR. DUNGAN: Okay. Well --

2 MR. TURNER: Okay. So, Mr. Dungan, do you
3 want me to go ahead and talk to Peggy? Maybe she can
4 be more of assistance.

5 MR. DUNGAN: Well --

6 MR. TURNER: Maybe she is the one who pays
7 the bills.

8 MR. DUNGAN: Well, is -- is --

9 MR. TURNER: Is she the -- the -- the pants
10 in the family to pay the bills?

11 MR. DUNGAN: Well, as you said, you know,
12 you may have to --

13 MR. TURNER: And, obviously, she is.

14 MR. DUNGAN: You -- you may have to advise,
15 you know, whoever to do whatever they deem necessary,
16 so --

17 MR. TURNER: If you want me to go ahead and
18 call Peggy at work, that's not a problem.

19 MR. DUNGAN: If you deem -- if you deem
20 that necessary, feel free to do so.

21 MR. TURNER: Okay. We will do that.

22 Like I said, the further collection
23 activity will continue as well as the calls will
24 continue. If you want -- I mean, with your
25 (unintelligible) permission, I can go ahead and call

1 Patricia, as well. Maybe Michael.

2 MR. DUNGAN: No. No. No. Hang on a
3 second. You don't have my permission to contact --

4 MR. TURNER: Yes, sir.

5 MR. DUNGAN: You don't have my permission
6 to contact any of my family members.

7 MR. TURNER: Or to contact them. I mean,
8 basically, we can ask them to help you get this
9 resolved.

10 MR. DUNGAN: No, you don't have
11 permission -- you don't have my permission to contact
12 any of my relatives. If you do so, that's going to
13 be --

14 MR. TURNER: You're afraid that they're
15 going to know your business?

16 MR. DUNGAN: That's going to be of your own
17 volition. Okay. You do not have my permission to
18 contact any -- any of my relatives.

19 MR. TURNER: Uh-huh.

20 MR. DUNGAN: I said, you do not have my
21 permission to con -- contact any of my relatives. If
22 you do so, you're -- you will be doing so of your own
23 volition.

24 MR. TURNER: Okay.

25 MR. DUNGAN: Do you understand?

1 MR. TURNER: Sir, how do you want to go
2 about getting this --

3 MR. DUNGAN: Now, wait a minute. Wait a
4 minute. We seem to be -- be having a hearing problem
5 here. Do you understand what I just told you, sir?

6 MR. TURNER: So -- so how do you want to go
7 ahead about getting this resolved?

8 MR. DUNGAN: Sir. Sir, do you understand
9 what I just told you?

10 MR. TURNER: Okay. And that wasn't my
11 question.

12 MR. DUNGAN: Well, it's my question.

13 MR. TURNER: (Unintelligible).

14 MR. DUNGAN: Do you -- what did I just tell
15 you about my relatives? I want to make sure this is
16 perfectly clear. Because we seem to be having a
17 hearing problem here, so I want to make sure you
18 understand what I just told you about my relatives.
19 What did I just tell you about my relatives?

20 MR. TURNER: Okay. Like -- and, once
21 again, I've already stated to you that wasn't a
22 question I've asked you.

23 MR. DUNGAN: That's a question I've asked
24 you, and I would like an answer, please.

25 MR. TURNER: Do you want to go ahead and

1 get this resolved?

2 (Long pause)

3 MR. TURNER: Mr. Dungan, I mean, since you
4 don't want to go ahead and talk about this matter, I'll
5 tell you again we'll go ahead and mark the account as a
6 refusal to cooperate, a refusal to pay, a refusal to
7 honor your cardholder agreement. You are rejecting our
8 payment arrangements, so the further collection
9 activity as well as the calls will continue. By the
10 looks of things, we're going to contact you until we
11 can get this resolved.

12 MR. DUNGAN: Okay.

13 MR. TURNER: So, I mean, if you want the
14 calls to cease, make some valid effort to getting this
15 resolved and --

16 MR. DUNGAN: Once again --

17 MR. TURNER: -- then we won't contact you
18 again. Okay?

19 MR. DUNGAN: Once again.

20 MR. TURNER: All right.

21 MR. DUNGAN: I'm going to state --

22 MR. TURNER: Bye.

23 MR. DUNGAN: -- do not call me, do not call
24 my relatives. Is that clear? Hello?

25 Call ended at 1:07 p.m. Once again, it is

1 Monday, October 13th, 2008. Call ended at 1:07 p.m.

2 **OCTOBER 31, 2008 - 1:38 P.M.**

3 RECORDING: Hello. This is an important
4 call for Boyd Dungan. If this is Boyd Dungan, please
5 press one now. To place this call on hold to allow
6 time for this person to come to the phone, please press
7 two.

8 (One beep heard)

9 RECORDING: This call is on hold. Please
10 press any key on your telephone keypad to hear this
11 important message.

12 MR. DUNGAN: Friday, October 31st, 2008,
13 1:39 p.m.

14 RECORDING: This call is on hold, please
15 press any key on your --

16 (One beep heard)

17 RECORDING: Hello. This is an important
18 call for Boyd Dungan. If this is Boyd Dungan, please
19 press one now.

20 (One beep heard)

21 RECORDING: Please hold while we connect
22 you to a representative.

23 Hello.

24 MS. SMITH: MRS Associates. Is this Boyd
25 Dunnagan?

1 MR. DUNGAN: Yeah, this is Boyd.

2 MS. SMITH: Hi, sir. My name is Kita
3 (phonetic) Smith. We're calling you from MRS
4 Associates regarding a Washington Mutual account, sir.

5 MR. DUNGAN: Okay.

6 MS. SMITH: First, I'll tell you the
7 purpose of the call is to collect a debt. Information
8 obtained will be used for that purpose. Calls are
9 monitored and recorded for quality assurance.

10 There's a balance of \$6,332.34.

11 MR. DUNGAN: Okay. I'm sorry, what did you
12 say your name was again, please?

13 MS. SMITH: Ms. Kita.

14 MR. DUNGAN: And what company do you
15 represent?

16 MS. SMITH: This is MRS Associates. We
17 actually represent our client by the name of LVNV
18 Funding who has obtained your account from Washington
19 Mutual.

20 MR. DUNGAN: Okay.

21 MS. SMITH: It shows the balance is
22 \$6,332.34.

23 MR. DUNGAN: What was the account number on
24 that, please?

25 MS. SMITH: Do you want the last four

1 digits?

2 MR. DUNGAN: Yeah, the account number,
3 please.

4 MS. SMITH: Do you want the entire account
5 number or the last four digits?

6 MR. DUNGAN: The entire account number
7 would be good.

8 MS. SMITH: 4185860419125402.

9 MR. DUNGAN: Okay.

10 MS. SMITH: And the account number that
11 it's listed under here -- actually, my account number
12 is 12231330.

13 MR. DUNGAN: Okay.

14 MS. SMITH: You paid very well on the
15 account, but then you stopped. What happened?

16 MR. DUNGAN: Okay. Well, I have a few
17 questions. You know, you-all have called me several
18 times. And first and foremost, I've asked this several
19 times, but, you know, just to get it on record again,
20 I'm going to -- you-all have called me on numerous
21 occasion. I'm going to ask that you-all not call me
22 anymore.

23 MS. SMITH: Okay. Let me tell you what you
24 need to do.

25 MR. DUNGAN: Okay.

1 MS. SMITH: To see that that happens, you
2 need to put that in writing. Let me give you an
3 address.

4 MR. DUNGAN: Okay.

5 MS. SMITH: 1930 -- and it's O-l-n-e-y.

6 MR. DUNGAN: Okay.

7 MS. SMITH: Cherry Hill.

8 MR. DUNGAN: Okay.

9 MS. SMITH: New Jersey.

10 MR. DUNGAN: Gotcha.

11 MS. SMITH: 08003.

12 MR. DUNGAN: Okay.

13 MS. SMITH: In order for us not to call,
14 you must provide in writing. That's the only way that
15 will -- that will happen.

16 MR. DUNGAN: Okay. I appreciate that
17 information. Thank you very much.

18 MS. SMITH: You have a good day. Good-bye.

19 MR. DUNGAN: Well, I wasn't quite finished.
20 I had some more questions, but okay.

21 Call ended at 1:39 p.m. Once again, it's
22 Friday, October 31st, 2008. Call ended at 1:41 p.m.
23 Happy Halloween, everybody.

24 **NOVEMBER 4, 2008 - 12:17 P.M.**

25 MR. DUNGAN: Hello.

1 BRITTANY: May I speak to Boyd Dungan?

2 MR. DUNGAN: Yeah, this is Boyd.

3 BRITTANY: Boyd Dungan?

4 MR. DUNGAN: Yeah, this is Boyd.

5 BRITTANY: Okay. This is Brittany with MRS
6 Associates. I'm calling regarding your Washington
7 Mutual credit card account.

8 MR. DUNGAN: Okay.

9 BRITTANY: I'm calling to try to work
10 something out with you before the client does
11 involuntarily proceed. If you're willing to work with
12 me, I can try to help you out.

13 But let me say the call is recorded for
14 quality assurance. It is an attempt to collect a debt.
15 Any information received will be used for that purpose.

16 Are you willing to work with me on this,
17 Mr. Boyd?

18 MR. DUNGAN: I'm sorry, what -- what did
19 you say your name was again? Hello?

20 BRITTANY: Yes, my name is Brittany.

21 MR. DUNGAN: And what company are you with?

22 BRITTANY: MRS Associates regarding your
23 Washington Mutual credit card account.

24 MR. DUNGAN: And what's the account number?

25 BRITTANY: The account number ends in 5402.

1 MR. DUNGAN: Okay.

2 BRITTANY: With a balance of \$6,332.34.

3 MR. DUNGAN: Okay. Well, you know, let
4 me -- let me just say this right off the bat. I've
5 spoken to you-all about this on several occasions.
6 I've asked you-all not to call. I'm going to make that
7 request again.

8 BRITTANY: You need to send in -- send that
9 in writing.

10 MR. DUNGAN: Okay. Also, you know, I've
11 talked -- like I said, I've talked to several different
12 people about this, and you-all keep referencing a
13 Washington Mutual account. It's my understanding
14 that -- I was told by one of you-all's agents that on
15 this particular account that you're referencing,
16 Washington Mutual charged it off.

17 BRITTANY: Okay. And it's in collections.

18 MR. DUNGAN: Okay. Well, they --
19 Washington Mutual has charged it off. And, generally,
20 when they do that, they receive some kind of insurance
21 settlement or some kind of write-off.

22 BRITTANY: No, actually they don't. What
23 it --

24 MR. DUNGAN: Really?

25 BRITTANY: What happens right here is that

1 your account is in collections. And if you don't --

2 MR. DUNGAN: Well, regardless, they've sold
3 the account. They no longer possess the account, so
4 that account no longer exists.

5 BRITTANY: (Unintelligible) to represent
6 them. Yes, they do. This is their account. And if
7 you --

8 MR. DUNGAN: No. I've been told that they
9 sold the account to LVNV, so --

10 BRITTANY: This is not LVNV, though. This
11 is MRS Associates. They -- they took their account
12 back, and we're the negotiators for Washington Mutual.
13 If you don't work out a payment arrangement with me or
14 come to some type of agreement, then we send it back to
15 them, and they proceed involuntarily.

16 MR. DUNGAN: Oh, okay. Well, see,
17 every -- everyone that I've talked to so far they tell
18 me that you-all -- you-all are MRS, and that you-all
19 are representing LVNV and LVNV bought this account. So
20 everybody has told me -- except for you, everybody has
21 told me that you-all represent LVNV.

22 MS. BRITTANY: I do apologize for the
23 in -- inconvenience, but that is not true.

24 MR. DUNGAN: Really? So what you're
25 telling me is that everyone that I've spoke to so far

1 has been less than truthful with me?

2 BRITTANY: Not less than truthful. Maybe
3 they just don't know. They haven't been trained --

4 MR. DUNGAN: So --

5 BRITTANY: -- correctly or they're speaking
6 on something else. But that is incorrect. This
7 account is in collections --

8 MR. DUNGAN: So they've made some false
9 statements to me, basically, is what you're telling me?

10 BRITTANY: No, not a false statement. They
11 may have --

12 MR. DUNGAN: Sure, it is. If they -- if
13 they did resent -- if they didn't represent the facts
14 truthfully, it's a false statement, correct?

15 BRITTANY: If they had no intentions of
16 doing that, it's not a false statement.

17 MR. DUNGAN: Oh.

18 BRITTANY: If they intentionally gave you
19 the wrong information, then that could possibly be,
20 but --

21 MR. DUNGAN: Well, it -- it sure -- it's
22 surely happening an awful lot because, like I said,
23 this is about the 50th time you-all have called me.
24 So --

25 BRITTANY: Okay. Sir, like I said, I

1 apologize for the inconvenience and the misinformation.
2 But do you have any intents on taking care of this
3 account? Because if not, then there is no need for us
4 to stay on the line and keep going back and forth about
5 what someone else told you.

6 MR. DUNGAN: Okay. Well, I've already
7 answered this question on several occasions. I can't
8 pay.

9 BRITTANY: And why is that?

10 MR. DUNGAN: I can't pay.

11 BRITTANY: So you can't pay or you're not
12 going to pay?

13 MR. DUNGAN: I've answered your question I
14 can't pay, and I'm not obligated to discuss my personal
15 situation with you.

16 BRITTANY: Actually, you are when you
17 signed a legal binding contract.

18 MR. DUNGAN: No. No, ma'am, that's
19 in -- that's incorrect. I -- you know, I have no way
20 of verifying you are who you say you are. I don't -- I
21 have no clue who you are.

22 BRITTANY: (Unintelligible). You know you
23 have the Washington Mutual account, you know that the
24 balance is correct with the interest, and you know that
25 I have --

1 MR. DUNGAN: No, I -- no, I -- actually, I
2 don't know that. As I said before, why --

3 BRITTANY: Okay. I'm not going to go back
4 and forth with you. You have a nice day. I'll just
5 forward the account back to the client.

6 MR. DUNGAN: Okay. You have a nice day,
7 also. Thank you.

8 It is Tuesday, November 4th, 2008. Call
9 ended at 12:21. Again, Tuesday -- Tuesday, November
10 4th, 2008. Call ended at 12:21.

11 **NOVEMBER 21, 2008 - 11:42 A.M.**

12 MR. DUNGAN: Hello.

13 RECORDING: Hello. This is an important
14 call for Boyd Dungan. If this is Boyd Dungan, please
15 press one now. To place this call on hold to allow
16 time for this person to come to the phone, please press
17 two.

18 (One beep heard)

19 RECORDING: This call is on hold. Please
20 press any key on your telephone keypad to hear this
21 important message.

22 MR. DUNGAN: Friday, November 21st, 2008,
23 11:42 a.m.

24 RECORDING: This call is on hold, please
25 press any key on your telephone keypad to hear this --

1 (One beep heard)

2 RECORDING: Hello. This is an important
3 call for Boyd Dungan. If this is Boyd Dungan, please
4 press one --

5 (One beep heard)

6 RECORDING: Please hold while we connect
7 you to a representative.

8 Hello.

9 MR. COOPER: MRS Associates, this is
10 Mr. Cooper. Am I speaking with Boyd?

11 MR. DUNGAN: Yeah, this is Boyd.

12 MR. COOPER: How you doing, Mr. Dungan?

13 MR. DUNGAN: All right.

14 MR. COOPER: Okay. Great. My name is
15 Mr. Cooper. I just got to let you know the call may be
16 recorded or monitored for quality assurance.

17 MR. DUNGAN: Okay.

18 MR. COOPER: I'm calling you from MRS
19 Associates today about your Washington Mutual account.
20 You're familiar with that account?

21 MR. DUNGAN: And you said your name was,
22 again, please.

23 MR. COOPER: My name is Mr. Cooper.

24 MR. DUNGAN: Okay.

25 MR. COOPER: And I'm mostly just required

1 by law to tell you the purpose of the call is an
2 attempt to collect a debt. Any information obtained
3 will be used for that purpose.

4 Clearly, we've been all around on this
5 account. We've had it since the month of August.
6 Since we've gotten it, we haven't really made any
7 progress.

8 MR. DUNGAN: Okay. What company did you
9 say you represent?

10 MR. COOPER: MRS Associates, Incorporated,
11 sir.

12 MR. DUNGAN: Okay.

13 MR. COOPER: Talking about your Washington
14 Mutual account.

15 MR. DUNGAN: Okay.

16 MR. COOPER: You should be familiar with us
17 by now considering we've been talking to you since
18 August about this account.

19 MR. DUNGAN: Okay. What's the account
20 number?

21 MR. COOPER: The account number, sir?

22 MR. DUNGAN: Yeah.

23 MR. COOPER: Okay. Um, I can get you that
24 information for you in a second, sir.

25 MR. DUNGAN: Okay.

1 MR. COOPER: But what I'm calling about is
2 your Washington Mutual account for the -- you know, the
3 one that was purchased by LVNV Funding. I -- I know
4 that you're familiar with the account because we've
5 been discussing it for a while.

6 The reason I'm calling is not to stall or
7 anything like that, but actually to figure out what are
8 your intentions on the account?

9 MR. DUNGAN: Well, as you said, you know,
10 we've discussed this on numero occasions -- numerous
11 occasions. I can't pay. And, also, you know, I was
12 told, as you --

13 MR. COOPER: You can't pay anything? You
14 can't pay towards your bill, sir, toward your \$6,426
15 balance?

16 MR. DUNGAN: I just answered that question.
17 And also --

18 MR. COOPER: You're -- you're paying your
19 phone bill, sir.

20 MR. DUNGAN: Are -- you're certain about
21 that?

22 MR. COOPER: I'm sorry?

23 MR. DUNGAN: You're certain about that?

24 MR. COOPER: Well, sir, if you're not
25 paying it, someone else is. And they could be helping

1 you to pay -- pay on this account, sir.

2 MR. DUNGAN: Okay. Well, the thing -- you
3 know, as you've said, and as I've been told before,
4 Washington Mutual charged this account off and LVNV
5 bought it. Okay

6 MR. COOPER: That's correct. You owe LVNV
7 Funding \$6,400 --

8 MR. DUNGAN: No, I don't owe -- I don't owe
9 LVNV anything. Actually, what happened --

10 MR. COOPER: You owe them \$6,426.90. I'm
11 going to recommend, sir, that they do whatever is
12 necessary to go ahead and take that full balance.
13 You're not cooperating. I'm going to mark it as a
14 rejection of settlement, a refusal --

15 MR. DUNGAN: No. No.

16 MR. COOPER: -- to cooperate.

17 MR. DUNGAN: That's -- that's incorrect.

18 MR. COOPER: Refusing to honor your
19 cardholder agreement.

20 MR. DUNGAN: That's --

21 MR. COOPER: You're in breach of contract.

22 MR. DUNGAN: No, that's incorrect. I'm not
23 refusing to pay.

24 MR. COOPER: Okay. Have a nice day, sir.
25 I'm going to make that recommendation. You're going to

1 pay them the full balance. Have a nice day.

2 MR. DUNGAN: You do the same. Thank you.

3 Call ended 11:45 a.m. Once again, it is
4 Friday, November 21st, 2008. Call ended 11:45 a.m.

5 **NOVEMBER 24, 2008 - 3:41 P.M.**

6 (Phone ringing)

7 RECORDING: Hello. This is an important
8 call for Boyd Dungan. If this is Boyd Dungan, please
9 press one now. To place this call on hold to allow
10 time for this person to come to the phone, please press
11 two.

12 (One beep heard)

13 RECORDING: This call is on hold. Please
14 press any key on your telephone keypad to hear this
15 important message.

16 MR. DUNGAN: Monday, November 24th, 2008,
17 3:41 p.m.

18 RECORDING: This call is on hold.

19 (One beep heard)

20 RECORDING: Hello. This is an important
21 call for Boyd Dungan. If this is Boyd Dungan, please
22 press one --

23 (One beep heard)

24 RECORDING: Please hold while we connect
25 you to a representative.

1 Hello.

2 MS. MILLER: Hi, may I speak to Boyd
3 Dungan, please.

4 MR. DUNGAN: This is Boyd.

5 MS. MILLER: Hi, Boyd. My name is Kera
6 Miller. How are you doing today?

7 MR. DUNGAN: I'm all right. And yourself?

8 MS. MILLER: Good. Well, I'm calling from
9 MRS Associates on behalf of LVNV Funding. I do have to
10 let you know that the call may be recorded for quality
11 assurance purposes, and that the purpose of the call is
12 an attempt to collect a debt. And any information
13 obtained will be used for that purpose.

14 Okay. And I'm calling in regards to your
15 Washington Mutual account.

16 MR. DUNGAN: Okay. What is -- I'm sorry,
17 what did you say your name was, please?

18 MS. MILLER: Kera Miller.

19 MR. DUNGAN: Okay. And who are you with?

20 MS. MILLER: MRS Associates.

21 MR. DUNGAN: And this is in regard to what?

22 MS. MILLER: Washington Mutual.

23 MR. DUNGAN: And the account number is?

24 MS. MILLER: Well, the account number in
25 our office is 12231330.

1 MR. DUNGAN: Okay. How may I help you
2 today?

3 MS. MILLER: Well, you do have a current
4 balance of \$6,426.90. So before proceeding on the
5 account, we do want to call, give you some information
6 as to what kind of resolution that we can come to.

7 Okay. I do see that you had spoken to a
8 couple of my associates.

9 MR. DUNGAN: I've spoken to many of your
10 associates, actually.

11 MS. MILLER: Okay. Well, what can -- I
12 mean, what can we do to help you get this taken care
13 of?

14 MR. DUNGAN: Well, you know, you-all have
15 ans -- asked me this question on several occasions, and
16 I've told you-all that I can't pay. And, also, you
17 know, you-all keep referencing a Washington Mutual,
18 okay. Several of your associates have told me that
19 Washington Mutual has charged this account off. Okay?

20 MS. MILLER: Yes.

21 MR. DUNGAN: All right. Well, when --

22 MS. MILLER: Third-party, yes.

23 MR. DUNGAN: Yeah. When they -- they --
24 when --

25 MS. MILLER: Go ahead.

1 MR. DUNGAN: Washington Mutual has charged
2 off the account. And, generally, when that happens,
3 they either receive some kind of insurance settlement
4 or some kind of tax write-off, and then they take it
5 off their books. So, basically, the account that
6 you're referencing doesn't exist anymore.

7 MS. MILLER: Okay. It's not -- it's --
8 it's the fact that you can't call and talk to
9 Washington Mutual, but the account does still -- I
10 mean, LVNV Funding did buy the account.

11 MR. DUNGAN: Okay. Well, it sounds like,
12 to me, that LVNV made a bad investment.

13 MS. MILLER: Well, you do have a balance,
14 and that balance isn't going to go away just because
15 businesses do what businesses have to do.

16 Okay. So, regardless, you still owe the
17 balance. Now, I'm more than happy to -- you know, to
18 work with you and help you out as far as putting you on
19 possibly a hardship program or offering you a one-time
20 settlement to get it taken care of for a lesser amount
21 than the balance is owed.

22 So when you signed your legal binding
23 contract, you stated that you would --

24 MR. DUNGAN: Okay.

25 MS. MILLER: -- you know, pay the balance

1 upon default.

2 MR. DUNGAN: I -- I have a question. How
3 much did LVNV pay for this account?

4 MS. MILLER: I don't have that information,
5 sir.

6 MR. DUNGAN: Okay.

7 MS. MILLER: But, regardless, that doesn't
8 matter. They have the account.

9 MR. DUNGAN: Well, sure it does. Sure it
10 is. Sure it does. It does matter.

11 MS. MILLER: Why does it matter?

12 MR. DUNGAN: Well, because I have a feeling
13 that it's a lot less than -- what they paid for the
14 account is a lot less than what they're asking for.

15 MS. MILLER: Well, regardless of what they
16 paid for it, sir, you still owe the balance. You still
17 owe what you owe because you were the one that got the
18 card, you were the one that charged it up, and you were
19 the one that didn't pay it. So that is why it is in
20 the state -- it's in the status that it is now. Okay.
21 It's nobody's fault but your own.

22 And I'm trying to help you here, and
23 you're -- I mean, it sounds to me like you don't want
24 to take care of it.

25 MR. DUNGAN: Well, it's -- it's not that I

1 don't want to take care of it. I've answered -- you
2 know, as I've said, I've talked to -- this is about the
3 60th time you-all have called me, okay. And you-all
4 keep asking me the same question. And I'm going to
5 make the statement once again. Well, I've made the
6 statement before. I'm going to request that you-all
7 not call me anymore.

8 MS. MILLER: Well, that's not going to
9 happen. It has to be in writing.

10 MR. DUNGAN: Okay. Well --

11 MS. MILLER: I mean, we will continue to
12 call until -- until we can collect the balance from
13 you.

14 MR. DUNGAN: Okay. So does that
15 mean -- that means that you're going to continue to
16 attempt to harass me?

17 MS. MILLER: We're not harassing you, sir.

18 MR. DUNGAN: Sure, you are.

19 MS. MILLER: You owe a debt.

20 MR. DUNGAN: Sure, you are. What do you
21 call it -- what do you call it when somebody -- when --
22 when somebody calls a person over and over again and
23 asks the same question over and over again, what do you
24 call that?

25 If I was to call you at your home and ask

1 you repeatedly the same question day in and day out,
2 what would you call that?

3 MS. MILLER: Sir, it's called collections.

4 MR. DUNGAN: Okay.

5 MS. MILLER: It's called you owe a balance.

6 MR. DUNGAN: Okay. Well, I've answered the
7 question I can't pay, so where does that leave us?

8 MS. MILLER: Okay. Well, then I -- I mean,
9 the only thing -- if you're not going to work --
10 you're -- I'm sorry. You're stating on our recorded
11 line that you're not going to pay it?

12 MR. DUNGAN: No, that's not what I said.

13 MS. MILLER: Well --

14 MR. DUNGAN: See, I've told you I can't
15 pay.

16 MS. MILLER: Then we need to get something
17 worked out. I said I understand if you don't have the
18 whole balance in full, but I said I would be willing to
19 help you out as far as putting you on a hardship
20 program.

21 MR. DUNGAN: I can't pay.

22 MS. MILLER: Okay. This is -- is there
23 anybody that you can turn to?

24 MR. DUNGAN: No.

25 MS. MILLER: No?

1 MR. DUNGAN: No.

2 MS. MILLER: Okay. Well, I will go ahead
3 and mark your account as a refusal to pay.

4 MR. DUNGAN: No, that's -- that's --
5 ma'am -- ma'am, that's incorrect also. I have not
6 refused anything.

7 MS. MILLER: Sir, because you're not --

8 MR. DUNGAN: I have not refused to pay. I
9 simply can't pay.

10 MS. MILLER: You're refusing to pay. You
11 have a great day.

12 MR. DUNGAN: You too. Have a good day.

13 Call ended at 3:46 p.m. Once again, it is
14 Monday, November 24th, 2008. Call ended at 3:46 p.m.

15 **DECEMBER 2, 2008 - 8:48 a.m.**

16 (Phone ringing)

17 RECORDING: Hello. This is not a sale's
18 solicitation. Please stay on the line for the first --

19 MS. CONNOR: Hello.

20 MR. DUNGAN: Hello.

21 MS. CONNOR: Hi, is Boyd there?

22 MR. DUNGAN: This is Boyd.

23 MS. CONNOR: This is -- is it Dungan?

24 MR. DUNGAN: That's correct.

25 MS. CONNOR: Okay. My name is Helen Connor

1 with MRS Associates. I'm calling about the LVNV
2 account, the Washington Mutual.

3 MR. DUNGAN: Okay.

4 MS. CONNOR: I'll make this real brief. I
5 have to say, of course, by law this call my be
6 monitored or recorded for quality assurance. It's an
7 attempt to collect a debt. Anything obtained is used
8 for that reason.

9 I know you have been talking to people
10 several times before. I also have a balance showing
11 \$6,426.90. I'm calling today to see if there is
12 something we can do to get this resolved?

13 MR. DUNGAN: Okay. I'm sorry, what was
14 your name again, please?

15 MS. CONNOR: I'm sorry, my name is Helen
16 Connor.

17 MR. DUNGAN: Okay. And you represent who?

18 MS. CONNOR: I'm with M -- excuse me, MRS
19 Associates.

20 MR. DUNGAN: All right.

21 MS. CONNOR: And this is in regards to LVNV
22 Funding about your Washington Mutual account.

23 MR. DUNGAN: Okay.

24 MS. CONNOR: And that's what I was calling
25 on behalf of.

1 MR. DUNGAN: What's the account number on
2 that?

3 MS. CONNOR: The -- do you want the
4 original account number?

5 MR. DUNGAN: Sure.

6 MS. CONNOR: Okay. 4185860419125402.

7 MR. DUNGAN: Okay. And how may I help you
8 today?

9 MS. CONNOR: Okay. What they're showing is
10 the balance of the \$6,426.90. Basically, I'm calling
11 to see what we can do to try and get this resolved.

12 MR. DUNGAN: Okay. Well, first of all, as
13 you said, I have spoken with many people from your
14 company.

15 MS. CONNOR: Right.

16 MR. DUNGAN: And I have asked on several
17 occasions that you-all not call me anymore. I'm going
18 to make that request again.

19 MS. CONNOR: Okay.

20 MR. DUNGAN: Also, I've -- like I've said,
21 I've discussed this on several occasions. I can't pay.

22 Also, you-all keep referencing a Washington
23 Mutual account.

24 MS. CONNOR: Right.

25 MR. DUNGAN: Okay. Many of your associates

1 have told me that Washington Mutual has charged this
2 account off.

3 MS. CONNOR: Right.

4 MR. DUNGAN: Okay. I've done a little
5 research. And when they do that, generally what
6 happens is they receive some sort of insurance
7 settlement or some sort of tax write-off, and they
8 remove that from their books. So the account that
9 you're referencing no longer exists.

10 MS. CONNOR: But it does.

11 MR. DUNGAN: Really?

12 MS. CONNOR: LV -- yeah. What happened
13 is -- LVNV Funding is a debt-buying agency. They
14 bought the Washington Mutual account.

15 MR. DUNGAN: Okay.

16 MS. CONNOR: Even -- even if Washington
17 Mutual received some type of payoff, which I don't know
18 anything about --

19 MR. DUNGAN: Okay.

20 MS. CONNOR: -- I never heard about that,
21 you still -- (unintelligible) you still don't have to
22 pay the parties that you charged off on the account.
23 You're still reliable -- you're still liable for the
24 balance on the account because you're the one that
25 charged it up.

1 MR. DUNGAN: How does that happen when the
2 account no longer exists?

3 MS. CONNOR: It still exists; although
4 (unintelligible) call on it.

5 MR. DUNGAN: Okay. Well, then let me ask
6 you this. How much did LVNV pay for the account?

7 MS. CONNOR: That, I don't know.

8 MR. DUNGAN: Okay.

9 MS. CONNOR: I should tell you that they
10 are authorizing a settlement. It's knocking off about
11 \$2,000 off the balance.

12 MR. DUNGAN: Okay. Well --

13 MS. CONNOR: (Unintelligible) to settle it
14 for \$4,627.

15 MR. DUNGAN: Well, I can't pay.

16 MS. CONNOR: Okay. Let me -- let's see.
17 And there's nothing that we can do to try and help you
18 out even on a monthly payment plan of any kind?

19 MR. DUNGAN: I can't pay.

20 MS. CONNOR: Okay. So you are aware that
21 the collection activity will continue?

22 MR. DUNGAN: Okay. What do you mean when
23 you say that? Does it mean that you're going to
24 continue to attempt to harass me by calling me every
25 day?

1 MS. CONNOR: It's not harassmt. I
2 mean --

3 MR. DUNGAN: Really?

4 MS. CONNOR: -- I understand where you --

5 MR. DUNGAN: Really?

6 MS. CONNOR: It is harassmt, but it's not
7 because it's a debt.

8 MR. DUNGAN: Really?

9 MS. CONNOR: Correct.

10 MR. DUNGAN: Let me -- if I was to call you
11 at your home every day and ask you the same question
12 over and over again, what would you call that? I
13 imagine you would call that harassmt, and you would
14 attempt to sue -- you would attempt to sue me, wouldn't
15 you?

16 MS. CONNOR: No, actually, I wouldn't
17 attempt to sue you because I know the law.

18 MR. DUNGAN: Oh, really? Well, then why
19 don't -- why don't you -- why don't you give me your
20 home phone number, and I'll start calling you every day
21 and asking you the same question over and over again?

22 MS. CONNOR: Well, but why would I do that?
23 I don't owe you any money.

24 MR. DUNGAN: Because it -- because you
25 don't want to subject yourself to any harassmt,

1 right?

2 MS. CONNOR: No, it has nothing to do with
3 it.

4 MR. DUNGAN: Oh, okay.

5 MS. CONNOR: It's not harassment when you
6 owe -- when you owe money.

7 MR. DUNGAN: Oh, okay.

8 MS. CONNOR: See, if you pay this off, the
9 calls will stop.

10 MR. DUNGAN: Okay.

11 MS. CONNOR: What I was wanting to tell you
12 is that if you're wanting these calls to stop, the only
13 way that's going to happen, and we've told you before,
14 is to put that request -- request in writing. I can
15 give you a fax or mailing address.

16 MR. DUNGAN: Okay.

17 MS. CONNOR: It's called a cease and
18 desist.

19 MR. DUNGAN: Okay.

20 MS. CONNOR: Okay. And that will stop the
21 calls. Flyers will continue, but that will stop the
22 calls.

23 MR. DUNGAN: Okay.

24 MS. CONNOR: Okay. I just want to be
25 honest here with you.

1 MR. DUNGAN: Okay.

2 MS. CONNOR: Do you want our fax number?

3 MR. DUNGAN: Sure.

4 MS. CONNOR: Okay. We have to receive the
5 fax before we stop all this.

6 MR. DUNGAN: Okay.

7 MS. CONNOR: All right. The fax is
8 888-903-8787.

9 MR. DUNGAN: Okay.

10 MS. CONNOR: And then let me also give you
11 your reference number again. If you put your reference
12 number on a letter that you fax over, it will be that
13 much quicker.

14 MR. DUNGAN: Okay.

15 MS. CONNOR: The reference is 12231330.

16 MR. DUNGAN: Okay.

17 MS. CONNOR: Okay?

18 MR. DUNGAN: All right.

19 MS. CONNOR: Okay. And, I mean, I'm just
20 trying to, you know -- I don't beat around the bush
21 here.

22 MR. DUNGAN: Do what? I'm sorry.

23 MS. CONNOR: I said I'm just trying to let
24 you know.

25 MR. DUNGAN: Okay. All right.

1 MS. CONNOR: (Unintelligible) the only way
2 you're going to stop calls. We are -- and that's
3 pretty much around the board with any agency.

4 MR. DUNGAN: All right.

5 MS. CONNOR: Okay?

6 MR. DUNGAN: Okay.

7 MS. CONNOR: But other than that, I mean,
8 if something ever came up where you can get this taken
9 care of, definitely, you know, give me a call and I'll
10 see what I can work out with you and try to get this
11 resolved because that's all I'm trying to do here.

12 MR. DUNGAN: Okay. Well, you know,
13 actually, you could start by finding out how much LVNV
14 paid for the account. Because, like I said, I -- I
15 have a feeling what they're -- what -- what they paid
16 for the account is a whole lot less than what they --
17 what they're asking for.

18 MS. CONNOR: Well, to be honest, I mean,
19 I'm sure it is. I mean, there's no way I'm going to
20 find out. They don't tell us that type of thing.

21 MR. DUNGAN: Really?

22 MS. CONNOR: Yeah. They just ask me if I
23 want to -- because we don't -- because this is MRS
24 Associates --

25 MR. DUNGAN: Okay.

1 MS. CONNOR: -- and we don't buy the debt.
2 MR. DUNGAN: Right.
3 MS. CONNOR: So LVNV Funding forwards it to
4 us.
5 MR. DUNGAN: Okay. Well --
6 MS. CONNOR: So there's no way that I'm
7 going to be able to find that out. But I can tell you,
8 I mean, they're -- they are willing to drop the balance
9 for you.
10 MR. DUNGAN: Okay. Well, since we're --
11 MS. CONNOR: Even if you can't get to that
12 full amount, if you can get close, I don't have a
13 problem seeing if I can -- you know, if they'll accept
14 a lower amount.
15 MR. DUNGAN: Well --
16 MS. CONNOR: The only thing they can say is
17 no.
18 MR. DUNGAN: Well, since we're being honest
19 with each other --
20 MS. CONNOR: Yes.
21 MR. DUNGAN: -- you know, from everything,
22 you know, I've heard about this probably what has
23 happened is LVNV has prob -- probably bought this --
24 that account that you're referencing for pennies on a
25 dollar. They've probably given a couple of hundred

1 dollars for it. Now, perhaps -- perhaps, if they were
2 willing to accept a couple hundred dollars, I might be
3 able to come up with that amount if they want to accept
4 that for settlement.

5 MS. CONNOR: (Unintelligible). With all
6 honesty, I mean, there's a very good possibility you're
7 right.

8 MR. DUNGAN: Yeah.

9 MS. CONNOR: There's a very good
10 possibility.

11 MR. DUNGAN: Okay. Well, as I said, you
12 know --

13 MS. CONNOR: Yeah, it --

14 MR. DUNGAN: -- if they're -- if they're
15 willing to accept what they paid for the account, which
16 is probably 2 or \$300, I might be able to come up with
17 that amount of money. But --

18 MS. CONNOR: Yeah, there's no way they'll
19 do that.

20 MR. DUNGAN: Again, I stress, I
21 might --

22 MS. CONNOR: I know there's no way they'll
23 go that low.

24 MR. DUNGAN: Really?

25 MS. CONNOR: For a couple of thousand,

1 they -- they would settle for, I'm sure, but not for a
2 couple hundred.

3 MR. DUNGAN: Oh. Well, you know, it seems
4 like -- well, then, you know -- I mean --

5 MS. CONNOR: We are where we are, right?

6 MR. DUNGAN: Yeah, evident -- evidently.

7 MS. CONNOR: All right. Well, I do wish
8 you luck. Hopefully, something will turnaround for you
9 and, you know, we might be able to get this resolved
10 for you. Like I said, if something comes up, give me a
11 call. Like I said, the settlement offer is 4627.

12 They -- they won't be able to do it for a couple
13 hundred. A couple thousand, you know, a good
14 possibility, but definitely not a couple hundred.

15 So other than that, I won't waste anymore
16 of your time to get that letter faxed into us so we can
17 at least stop the calls.

18 MR. DUNGAN: Okay. Thank you, Ms. Connor.

19 I --

20 MS. CONNOR: Thank --

21 MR. DUNGAN: I appreciate --

22 MS. CONNOR: You're very welcome.

23 MR. DUNGAN: I appreciate your help today.
24 Thank you.

25 MS. CONNOR: No problem. Bye-bye.

1 MR. DUNGAN: Bye-bye.

2 Let's see, today is -- let me get my
3 calendar. Today is Decem -- Tuesday, December 2nd,
4 2008. That call ended at 8:48 a.m. Once again, it is
5 Tuesday, December 2nd, 2008. The call ended at 8:48
6 a.m.

7 (End of CD Transcription)

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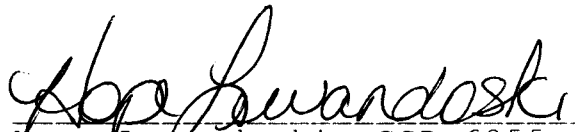
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1 COUNTY OF TARRANT)

2 STATE OF TEXAS)

3
4 I, Hope Lewandoski, Certified Shorthand Reporter,
5 in and for the State of Texas, hereby certify that the
6 preceding 138 pages is a true record transcribed from
7 an CD recording.

8 Witness my official hand this the 10th day of
9 February, 2009.

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14
15
16 

17 Hope Lewandoski, CSR 6255
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